



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 7th December, 2012:—

### I

#### BILL NO. IV OF 2011

A Bill to provide for the welfare measures for the homeless citizens living on the pavements of roads, under the bridges, flyovers, bus stops, railway yards, in parks or under the open sky in any public place in the Metropolitan cities and other urban areas, to be undertaken by the State and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Homeless Pavement Dwellers (Welfare) Act, 2011.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(b) "pavement dweller" includes the persons living on the pavement of roads or footpaths, under the bridges, flyovers, bus stops, railway stations or yards, in parks or under the open sky in any public place in the metros and urban areas;

(c) "prescribed" means prescribed by rules made under this Act.

Short title,  
extent and  
commencement.

Definitions.

National  
Welfare policy  
for pavement  
dwellers.

3. (1) The Central Government shall, in consultation with the Governments of the States and Union Territory Administrations, as soon as may be, but within one year of the commencement of this Act, formulate a national welfare policy for the poor homeless pavement dwellers for being uniformly implemented across the country by the appropriate Governments.

(2) Without prejudice to the generality of the provisions of sub-section (1) the welfare policy referred to therein may provide for,—

(a) recognition of right to live on pavements of the dwellers so that they are not chased out by the Police and civic authorities till alternative shelter is made available to them;

(b) humanitarian approach towards their homelessness and acute poverty by the authorities of different Government agencies;

(c) construction of sufficient numbers of night shelters or *Rain Baseras* with basic facilities at conspicuous places;

(d) provision of necessary healthcare with free check ups including diagnostic ones and medicines through mobile dispensaries;

(e) provision of public taps for potable water;

(f) facility of mobile toilets or of *Sulabh* toilets wherever possible with bathing facility;

(g) facility of bed sheet and *Durry* once a year on per person basis;

(h) facility of blanket and woolens for each person during winter season;

(i) free food for the dwellers twice a day;

(j) free distribution of mosquito nets to save them from malaria, dengue and other vector borne diseases;

(k) free education to the children of dwellers with provision of free books, stationery and other educational materials dresses, shoes, etc. with hostel facilities in deserving cases and vocational training and career counseling for the growth of such children;

(l) necessary assistance in cash, kind, advice for self employment of the dwellers;

(m) withdrawal from begging and other crimes and reforming them in a time bound manner;

(n) such other measures as may be deemed necessary for the purposes of this Act.

(3) It shall be the duty of the appropriate Government to implement the welfare measures prescribed under this Act in letter and spirit and in such manner as may be prescribed.

Central  
Government  
to provide  
requisite  
funds.

4. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds from time to time for carrying out the purposes of this Act.

Power to  
remove  
difficulty.

5. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty and the Government of a State shall be guided by such directions and instructions on questions of policy as may be given to it by the Central Government.

Act to have  
overriding  
effect.

6. The provisions of this Act and of rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matter dealt with in this Act.

Power to  
make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

### STATEMENT OF OBJECTS AND REASONS

Due to population explosion in the Country the problem of homelessness has become quite acute and has become more so in the urban areas. This problem is multiplied when the people from rural areas migrate to urban areas in search of green pastures and pursue their dreams of better life. But having a roof over their heads remains a distant dream for most of them. After the hard work of the day, they chose some pavements to sleep during the night under the open sky. Mumbai is one such Metropolitan city, the financial hub of the nation, which attracts the people from across the country to try their luck in Bollywood or elsewhere and for most of them pavements of Mumbai provide sleeping space. At present millions of people live and subsist on the pavements or footpaths of Mumbai struggling for basic amenities of two square meals and healthcare by various means. Similar is the case of other Metropolitans and other urban areas of the rest of the Country. These poverty stricken pavement dwellers face the vagaries of nature particularly during the rainy and winter seasons. They have no other options but to live in inhuman conditions falling victims of diseases and many a time lose their lives. This winter alone hundreds of such pavement dwellers lost their lives due to severe cold in Delhi and other urban areas of north India.

Ours is a welfare State and it is the duty of the State to protect its citizens who are poor, homeless and end up on the pavements. The State must implement Welfare measures for such citizens of the nation.

Hence this Bill.

RAJKUMAR DHOOT

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the national welfare policy for pavement dwellers which include several amenities for such dwellers. Clause 4 makes it obligatory for the Central Government to provide requisite funds for carrying out the provisions of the Bill. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty thousand crore may involve as recurring expenditure per annum.

A sum of rupees ten thousand crore may also involve as non-recurring expenditure from the Consolidated Fund of India.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

**II****BILL NO. III OF 2011**

A Bill to provide for the establishment of an Authority at the national level for identification and deportation of illegal immigrants who have come generally from the neighbouring countries in India and have settled in various parts of the country thereby increasing the burden on national resources and also to identify and deport the foreign nationals who go missing after coming to India after the expiry of their visa period and many of such immigrants and foreign nationals are threat to the national security and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-second year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Illegal Immigrants and Missing Foreign Nationals Identification and Deportation Authority of India Act, 2011.

(2) It extends to the whole of India.

(3) It shall come into force at once.



2. In this Act, unless the context otherwise requires,—

Definition.

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(b) "authority" means the Illegal Immigrants and Missing Foreign Nationals Identification and Deportation Authority of India established under section 3;

(c) "illegal immigrant" means a foreign national who comes to India without any visa or proper and valid documents issued by the designated authority of the Government of India in any foreign country and settles or attempt to settle in India in the garb of Indian citizen by obtaining ration card and other document by fraudulent means;

(d) "prescribed" means prescribed by rules made under this Act.

31 of 1946.

(e) terms and expressions used and not defined in this Act but defined in the Foreigners Act, 1946 shall have the meanings respectively assigned to them in that Act.

3. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish an authority to be called the Illegal Immigrants and Missing Foreign Nationals Identification and Deportation Authority of India for carrying out the purposes of this Act.

Establishment  
of the Illegal  
Immigrants  
and Missing  
Foreign  
Nationals  
Identification  
and  
Deportation  
Authority of  
India.

(2) The Head Office of the Authority shall be at Mumbai in the State of Maharashtra and the Authority may establish its regional or Branch offices at other places of the Country as it may deem necessary for the purposes of this Act.

(3) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(4) The Authority shall consist of,—

(a) a Chairperson who shall be a retired Judge of the Supreme Court or of a High Court to be appointed by the President of India;

(b) a Deputy Chairperson to be appointed by the Central Government with such qualifications and experience as may be prescribed;

(c) five Members of Parliament of whom three shall be from Lok Sabha and two from Rajya Sabha to be nominated by the respective Presiding Officers of the two Houses;

(d) five members to represent the Union Ministries of Home Affairs, External Affairs, Law and Justice, Planning and Defence respectively;

(e) four members of organisations which were spearheading agitations against illegal immigrants in the north-east and other parts of the Country to be nominated by the Central Government;

(f) four members to be nominated by the Governments of the States to be rotated amongst the States in alphabetical order every three years;

(5) The term of office of the Chairperson, Deputy Chairperson and members of the Authority and the procedure to be followed in the discharge of the functions of the Authority shall be such as may be prescribed.

(6) The Authority shall have a Secretariat and subordinate offices with such officers and members of the staff to assist the Authority in discharging its functions on such terms and conditions of services as may be prescribed from time to time by the Central Government.

4. (1) Subject to the guidelines issued by the Central Government under the provisions of this Act from time to time, the Authority shall perform and undertake such special steps in close coordination with the Governments of the States, Union Territory Administrations various Central and State level investigating agencies, intelligence agencies, local police, Border Security Force and such other forces and Union Ministries of Home Affairs and External Affairs for the identification of illegal immigrants and their nationality and the

Functions of  
the Authority.

foreign nationals who have gone missing after their arrival in India on expiry of their visa period and to ensure their deportation from India to the Countries to which they belong.

(2) Without prejudice to the generality of the provisions contained in sub-section (1) of section 4, the Authority shall,—

(a) formulate guidelines for identifying illegal immigrants and their respective nationality and those foreign nationals who have gone missing after their arrival in the country;

(b) direct the appropriate Government for the deportation of identified illegal immigrants and missing foreign nationals to their countries;

(c) facilitate speedy hearing of cases against illegal immigrants and missing foreign nationals;

(d) direct the appropriate Government to,—

(i) stop every assistance provided by such Government to the illegal immigrants and missing foreign nationals;

(ii) impound the ration card, voters identity card and such other documents procured fraudulently by the illegal immigrants and missing foreign nationals;

(iii) delete the names of illegal immigrants and missing foreign nationals from the electoral rolls, if, included inadvertently or fraudulently;

(iv) terminate the services of illegal immigrants and missing foreign nationals in case they are employed either in Government service or in private sector;

(v) recover the loans borrowed by illegal immigrants or missing foreign nationals;

(vi) take action on priority basis for the deportation of illegal immigrants and missing foreign national to their countries;

(vii) take such other actions as the Authority may deem necessary for carrying out the purposes of this Act.

(3) It shall be the duty of the appropriate Government to take, as soon as may be, necessary action as directed by the Authority.

Authority to ensure that inconvenience is not caused to bonafide citizens.

5. It shall be the duty of the Authority as well as of the appropriate Government to ensure that no inconvenience is caused to any bona fide Indian citizen while implementing the provisions of this Act.

Central Government to provide funds.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Authority in each financial year such sums as may be considered necessary and adequate for the performance of the functions of the Authority under this Act.

Annual Report.

7. The Authority shall prepare once in every calendar year in such form and at such time as may be prescribed, as annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the President of India who shall cause the same to be laid before both the Houses of Parliament.

Act to have over-riding effect.

8. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to illegal immigrants and missing foreign nationals in the country.

9. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Power to  
remove  
difficulty.

Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall, as soon as may be, after it is made, be laid before both the Houses of Parliament.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make  
rules.

## STATEMENT OF OBJECTS AND REASONS

Our Country is very vast and quite a good length of its borders are open along with the neighbouring Countries which are poor as per the international standards. Since our border are quite porous a large number of poor people from such Countries infiltrate into our Country as illegal immigrants and have settled in various parts of the Country. Since they are from the neighbouring Countries many of which were once parts of India, they easily mix up with the local population and it is very difficult to identify them. Special efforts are required to detect them. As a result, there are millions of illegal immigrants and their infiltration is continuing unabated. Their number has swelled in the north-east region national capital and several other parts of our Country. Our Country is overpopulated and struggling hard to provide the necessities of life to its own citizens and can hardly afford to feed and sustain these illegal immigrants. These illegal immigrants are not only increasing the numbers of our overpopulated nation but have been found indulging in criminal and anti-India activities. They are helping the terrorist activities against our Country and creating law and order problem in the Country particularly in the urban areas by indulging in thefts, snatchings, looting and other crimes. Similarly, quite a large number of foreign nationals come to our Country on a short term visa and before the expiry of such visa, they disappear and go missing in the Country. Many of such foreign nationals later on have been nabbed found spying and indulging in disruptive activities in the Country.

But it is unfortunate that such illegal immigrants and missing foreign nationals acquire ration cards, electors cards etc. in connivance with some greedy elements in the administration to show them as Indian citizens. Thereafter, these unwanted illegal immigrants and missing foreign nationals are cleverly creating difficulties for the genuine Indian citizens and usurping their rights. As such to get rid of them, it has become necessary to identify them on priority and deport them to their Countries.

Till recently the Illegal Migrants (Determination by Tribunals) Act, 1983 (Act No. 39 of 1983) was there to deal with the illegal immigrants but the same has since been declared *ultra vires* of the Constitution by the Supreme Court. The Union Government has done nothing either for the validation of the strucked down law or have another law in its place. As such at present there is no law in place to deal with the illegal immigrants. Now for both the illegal immigrants and the missing foreign nationals the provisions of the Foreigners Act, 1946 (Act No. 31 of 1946) can only be invoked which are not adequate to deal with this gigantic problem. As such a new law has to be enacted to deal with these twin issues.

Hence this Bill.

RAJKUMAR DHOOT

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### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the Establishment of the Illegal Immigrants and Missing Foreign Nationals Identification and Deportation Authority along with its Secretariat. Clause 6 makes it obligatory for the Central Government to provide requisite funds to the Authority for performing its functions. The Bill, if enacted will involve expenditure from the Consolidated Fund of India. Though it is not possible to quantify the amount at this stage it is estimated that a sum of rupee three hundred Crore may involve as recurring expenditure per annum.

A sum of rupee one hundred Crore may also involve as non-recurring expenditure from the Consolidated Fund of India.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

### III

#### BILL NO. VIII OF 2011

A Bill to provide for the protection of farmers from exploitation by moneylenders, middlemen, unscrupulous traders and others, removal of indebtedness, remunerative prices for their produce, increasing farm yield by improving farming practices by modern techniques and allied occupations, extending protective umbrella against natural calamities in which crops are lost by way of compulsory insurance of crops and livestock and provision of adequate compensation, work, food, potable water, fodder, etc. during calamity, extending compulsory market intervention in case of bumper crops, old age allowance, soft loans from Banks and other institutions and other welfare measures to be undertaken by the State so as to prevent the distressed farmers from committing suicide and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-second year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Exploited, Indebted and Poverty Stricken Farmers (Protection, Prevention of Suicides and Welfare) Act, 2011.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "agricultural produce" include paddy, wheat, coarse cereals, pulses, sugarcane, gram, cotton, oilseeds, vegetables, fruits, jute, coconut, tobacco, areca nuts and such other agricultural produces which may be notified from time to time by the Central Government in the Official Gazette and also include seed as defined in the Seeds Act, 1966;

54 of 1966.

(b) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(c) "bumper crop" means the excess yield of any agricultural produce of a farmer when the return to the farmer is not commensurate with its cost of production;

(d) "farmer" means a person who owns land and cultivates or causes it to be cultivated for agricultural or horticulture purposes and includes small and marginal farmers as identified by the appropriate Government or by the Union Planning Commission, as the case may be;

(e) "Fund" means the National Farmers Natural Calamity and Welfare Fund established under section 3;

(f) "natural calamity" includes drought, flood, cyclone, hailstorm, extreme cold and frost, winterkill, sunami, storm, fire, excessive rains, snow, damages, caused by wild life, insect infestation of large scale magnitude, plant diseases and such other natural phenomenon as may be notified by the appropriate Government in the Official Gazette, from time to time;

(g) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, as soon as may be, but not later than six months from the commencement of this Act, establish a National Farmers Natural Calamity and Welfare Fund with an initial corpus of rupees fifty thousand crore to be provided by the Central Government, after due appropriation made by Parliament by law in this behalf for carrying out the purposes of this Act.

Establishment  
of the  
National  
Farmers  
Natural  
Calamity and  
Welfare Fund.

(2) After the initial stage of the establishment of the Fund, moneys shall be provided to the Fund by the Central Government and Governments of the States in proportion to the population of farmers and in such manner as may be prescribed.

(3) The fund shall also comprise moneys received from the general public, body corporate, financial institutions domestic as well as foreign ones, as donations or gifts as the case may be.

(4) The fund shall be utilized for,—

(a) paying adequate compensation to farmers affected by natural calamity by way of losing crops, livestock, movable for immovable property due to such calamity;

(b) paying old age allowance to the farmers;

(c) implementing special assistance package to be formulated by the appropriate Government for the children, physically challenged and old farmers and others vulnerable to the fury of natural calamity;

(d) for extending educational facilities to the children of farmers and assistance for the marriage of their grown up daughters;

(e) making provision for food, drinking water, fodder and other necessities of day to day life in natural calamity affected rural areas;

(f) timely and adequate supply of quality seeds, manure, fertilizers, insecticides, etc. to the farmers;

- (g) paying the premiums of crop insurance of poverty stricken farmers;
- (h) providing healthcare facilities to the farmers and their families;
- (i) providing maternity services to the rural womenfolk;
- (j) establishment of well equipped and modern veterinary hospitals in every block to assist farmers in animal husbandry;
- (k) promoting group farming for better farm management and making agriculture economically viable;
- (l) providing institutional mechanism for efficient marketing and export of farm produce;
- (m) such other purposes as the Central Government may deem necessary and expedient for carrying out the purposes of this Act.

(5) The fund shall be administered in such manner as may be prescribed.

Central Government to formulate long-term action plan for the protection and welfare of farmers.

4. (1) The Central Government shall, as soon as may be, in consultation with the Governments of the States, formulate a long-term action plan for the protection and welfare of farmers in particular for the farmers of calamity prone areas or regions of the country as may be necessary.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1) of section 4 such action plan may include,—

- (a) comprehensive crop and livestock insurance scheme to make up the losses of farmers due to natural calamity;
- (b) compulsory market intervention in case of bumper crop;
- (c) writing off loans and interest of the farmers affected by natural calamity;
- (d) easy credit facility with interest free or with nominal rate of interest from the Banks and Financial Institutions;
- (e) remunerative prices for the agricultural produces;
- (f) such welfare measures as may be deemed necessary to protect the exploited, indebted and poverty stricken farmers of the country;

Protective umbrella for farmers by the appropriate Government.

5. In order to provide protective umbrella to the distressed, exploited, indebted and poverty stricken farmers, it shall be the duty of the appropriate Government to,—

- (a) compulsorily monitor the trends of production of agriculture produce of every sowing season so as to arrive of the estimates of likely production, local consumption, purchases by Government agencies, surplus, etc.;
- (b) in case of bumper crop and surplus caused therefrom, make affordable transportation arrangements to carry the surplus produce to identified areas where such produce is likely to be consumed and make marketing and yard facilities for such surplus;
- (c) ensure that farmers do not resort to distress sale and take appropriate measures to rein in the unscrupulous traders who exploit the farmers by not purchasing their yield by forming cartel for this purpose;
- (d) purchase the surplus produce through its agencies by extending compulsory market intervention;
- (e) fix the remunerative prices of agricultural produce from time to time;
- (f) compulsory remove the middlemen operating in the wholesale and other markets who exploit the farmers;



(g) study the requirements of farmers for promoting agriculture through agricultural education, research, training through modern *Krishi Vigyan Kendras*, *Kisan Call Centres* and agricultural universities;

(h) establish well equipped modern Veterinary hospitals in every block to assist farmers in animal husbandry;

(i) promote agro based industries like food processing, dairying, poultry, rearing of livestock, piggyery, bee keeping, etc. to enhance farm income;

(j) promote cultivation of vegetables, spices, floriculture, pisciculture, sericulture, horticulture, etc.;

(k) extend all the Government schemes of employment generation and for self employment compulsorily in the rural areas for the benefit of farmers;

(l) ensure easy institutional loans to remove indebtedness;

(m) extend such other protective measures as may be prescribed.

6. Notwithstanding anything contained in any other law for the time being in force, the Central Government shall formulate special provisions for the exploited, indebted and poverty stricken farmers of suicide prone region of Vidarbha in Maharashtra, areas of Punjab, Madhya Pradesh, Karnataka, Andhra Pradesh and such areas in other parts of the country which may include,—

Special provisions for farmers of Vidarbha region and other suicide prone areas.

(a) directing all the Banks, including Cooperative and Regional Rural Banks and other financial institutions which give agricultural loans to stop all recovery processes and to start financial settlement process in each case where loan has been taken by a farmer and who has not been able to repay the loan due to effects of natural calamity or otherwise and settle all such cases in the following manner:—

(i) the loan amount to be segregated in two parts, namely the principal and interest separately;

(ii) simple interest to be calculated on the principal amount from the date of actual drawal of loan to the date of settlement process;

(iii) the amount already paid back by farmers shall first be adjusted against the principal amount and thereafter against the interest;

(iv) the balance unpaid amount shall be divided into ten equal annual instalments without charging interest and recovered every year and no legal process shall be initiated till farmers defaults in payment for three years consecutively;

(v) the interest shall be charged in such a way that it does not exceed the rate of interest given to farmers on the savings deposited with the Banks and financial institutions;

(vi) the final settlement of loan shall be done in such a way that the farmer is not required to pay more than forty per cent of the original principal amount by way of interest;

(vii) if farmer has repaid the loan to the extent of fifty per cent, he shall automatically be considered eligible for fresh loan; and

(viii) in case of natural calamity, instalments of loan against the farmers shall be written off treating it as bad debt;

(b) reimbursement of loans and concessions given to the farmers by banks and financial institutions in case, the farmers are unable to repay the amount.

(c) prohibition on moneylenders in lending money to the farmers, in case any

loan given by such moneylenders to any farmer shall be deemed to have been written off.

(d) providing public employment to one of the dependents of a farmer who loses his life as a consequence of natural calamity irrespective of the fact that such farmer having committed suicide in such manner as may be prescribed.

(e) providing adequate financial assistance to the family of the farmer having committed suicide in case he has a daughter of marriageable age for her marriage, and

(f) such other measures as may be necessary for carrying out the purposes of this Act.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty.

9. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Central Government to provide funds.

Power to remove difficulty.

Act to have over-riding effect.

Act to supplement other laws.

Power to make rules.

### STATEMENT OF OBJECTS AND REASONS

Ours is predominantly an agrarian country and agriculture is the backbone of our economy as it immensely contributes to Gross Domestic Product (GDP) and generates largest number of employment opportunities. The farmers sustain the country with food security and supply the largest share of raw material to industrial sector. Its export share is also considerable which brings precious foreign exchange in the Country. But, unfortunately, the farmer in our Country is the most exploited, heavily indebted and poverty stricken. Many a time when the debt burden becomes unbearable and farmers who are unable to withstand this burden end their lives by committing suicide despite the fact that farmers and agricultural labourers are considered to be brave by nature and the phenomenon of suicides does not go along with their psyche but economic hardships are forcing them to take the extreme step which may eventually lead to social turmoil.

The National Farmers Commission of India had recently highlighted that nearly one lakh fifty thousand farmers have committed suicides in the Country since 1990. Incidentally, suicides of farmers has taken place in those states where green revolution has been a success story namely, Punjab, Maharashtra, Madhya Pradesh, Kerala, Tamil Nadu, Karnataka, Andhra Pradesh, Chhattisgarh, etc. In Maharashtra and in particular in the Vidarbha region alone the figure of farmers committing suicides touched one lakh thirty one thousand during 1993-2006 and the trend is still continuing in the State. In fact, hardly any State has undertaken comprehensive enumeration of the suicides of farmers. Nevertheless the suicide of farmers is a blot on our democracy but natural calamities play major role in destroying the hopes of the farmers as they have to bear the brunt of the natural calamities. Their crops are damaged and farmers become penniless making them defaulters in repayment of loans taken from the institutions or from the moneylenders. When they are hounded, in particular by the moneylenders, the hapless farmers resort to committing suicides.

Acute poverty and indebtedness is another major factor for the farmers for taking the extreme step of committing suicides. According to National Sample Survey Organisation NSSO (2005) 48.6 per cent of the total farmer households are reported to be indebted in 2005. The incidence of indebtedness is highest in Andhra Pradesh where 82 per cent farmers are indebted followed by Tamil Nadu, Punjab, Kerala, etc. In Maharashtra 54.8 per cent farmers were indebted. In short, nearly 50 to 53 per cent farmers in many other States are facing indebtedness.

The two recent decisions of the Central Government namely the package of rupee 25000 crore to families of suicide victims and debt waiver of 70,000 crore rupee for farmers show that the nation has at least recognised the seriousness of the phenomenon. But much more needs to be done in this regard. The seriousness and dimensions of the phenomenon warrants a census survey of all those farmers who have committed suicides. Then various welfare measures need to be extended to the farmers. A National Farmers Natural Calamity Welfare Fund is required to be established. All efforts should be made to remove the indebtedness and acute poverty of the farmers by releasing more packages and allocating more Budgetary support to this vital sector.

Hence this Bill.

RAJ KUMAR DHOOT

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a National Farmers Natural Calamity and Welfare Fund with initial corpus of fifty thousand crore rupee to be provided by the Central Government and thereafter Central Government will have to contribute to the Fund along with the States. Clause 7 of the Bill makes it obligatory for the Central Government to provide requisite funds to carry out the purposes of the Bill. The Bill if, enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of Sixty thousand crore rupee may involve as recurring expenditure per annum.

A non-recurring expenditure to the tune of Ten thousand crore rupee may also involve from the Consolidated Fund of India.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

## IV

## BILL NO. LIII OF 2011

A Bill to regulate the hosting, sponsoring and advertising sports events by body corporates, persons, partnerships, associations other than recognised sports associations who spend substantial money on a single sport and take tax exemption thereon but ignore other sports and to provide for declaration of annual budget for such sports activities and spending limit of fifty percent of the budget on a single sport so that other sports too get their due promotion and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Hosting, Sponsoring and Advertising of Sports Events (Regulation) Act, 2011.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(b) "prescribed" means prescribed by rules made under this Act;

(c) words and expressions used but not defined in this Act but defined in the Companies Act, 1956 shall have the meaning respectively assigned to them in that Act.

Allocation of specified of budget by body corporates and state owned corporation for hosting sponsoring and advertising of sports.

3. (1) Notwithstanding anything contained in any other law for the time being in force, every body corporate the public sector or private sector, created by an Act of Parliament or of a State Legislature, as the case may be, or registered under the Companies Act, 1956 shall, in case such body corporate is involved in hosting, sponsoring or advertising of any sports event within the country or out of the country, have to create a budget for such sports event through a Board Resolution, by allocating a specified percentage of the net profit of the previous year for that purpose.

62 of 1956.

(2) Once the budget so created under sub-section (1), the body corporate shall not be entitled to spend more than one half of such budget on hosting, sponsoring or advertising of a particular sport and in case of non compliance of this provision, the appropriate Government shall debar such body corporate of any kind of exemption whatsoever.

(3) Any body corporate who spends half of its budget on a particular sport shall distribute the rest of the budget on the hosting, promotion, sponsoring and advertising of other sports as may be chosen by its Board.

(4) The provisions of sub-section (1) to (3) shall be made applicable to persons, partnerships, associations and others by the appropriate Government in such manner as may be prescribed.

Power to remove difficulty.

4. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of three years from the commencement of this Act.

Act to have overriding effect.

5. The Provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Power to make rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

These days hosting, sponsoring or advertising of sports events are becoming very popular with the body corporates of the private sector and public sector enterprises of the Government including the Banking sector. These corporates are spending crores of rupee on the sports and thereby taking various tax exemptions on these spendings. But, it has been seen that the spending is on Cricket alone and other sports have completely been ignored. Some corporates organise Formula Car races but generally outside the country though recently it has also made in the country as well in Greater Noida Cricket is a game played in few countries generally of Commonwealth Nations. It is not recognised in the Olympics and other International games. But in our Country other games have completely been ignored. Though these games have given great players of international fame but ignoring of these games including our national sport Hockey continues. So, it has become necessary to regulate the spending of Corporates on sports. They have to fix a yearly budget for sports and they can spend only fifty percent of that budget on one sport. Rest they have to spend for promotion of other sports. In case, they do not do so they will not get any exemption in taxation from the Government. This is the only way other games such as Hockey, Football, Tennis, Badminton, Archery, Shooting, Boxing, Judo, etc. will be promoted in the country.

Hence this Bill.

DR. AKHILESH DAS GUPTA

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of a normal character.

## V

## BILL NO. LVI OF 2011

A Bill to provide for the simple solemnisation of marriages so as to prohibit extravagant and wasteful expenditure and show of wealth on marriages, for the compulsory registration of all marriages solemnised in the country, and for prevention of wastage of food items during marriage functions and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Marriages (Simple Solemnisation, Compulsory Registration and Prevention of Wastage of Food Items) Act, 2011.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.



2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State, and in other cases, the Central Government;

(b) "designated Authority" means an authority or an officer designated for the purpose of registration of marriages under this Act;

(c) "expenditure on marriage" includes expenditure incurred by either bridegrooms side or by brides side, as the case may be, during marriage celebrations such as on invitation cards, decoration, tented pandals, illumination, fireworks, luncheon, dinner, clothes, ornaments, gifts, hiring of a baraat ghar, community centre, banquet hall, or Gated or ordinary hotel, farm house, parks and such other places, band, musical groups and dancers, Jockeys film and Television Stars, helicopter or aircraft, cars and other vehicles, flower and other decorations, horse and horse driven chariots, anything considered as dowry or *Streedhan* and any other expenditure incurred during the celebration of marriage or during hosting of reception thereof;

(d) "prescribed" means prescribed by rules made under this Act.

3. (1) Notwithstanding anything contained in any other law for the time being in force or of any custom or ritual, all marriages shall be solemnised in a simple manner without incurring extravagant and wasteful expenditure and show of wealth and lavish spending thereon.

Compulsory solemnisation of simple marriage.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the solemnisation of simple marriage shall include:

(a) the limit of expenditure of marriage to the tune of twenty five percent of the annual income of the family subject to a ceiling of rupees five lakhs whichever is lower;

(b) If any family intends to spend more than rupees five lakhs towards expenditure on marriage such family shall declare the amount proposed to be spent in advance to the appropriate Government and contribute ten per cent of such amount in a Welfare Fund which shall be established by the appropriate Government to assist the poor and Below Poverty Line families for the marriage of their daughters in such manner as may be prescribed.

(3) The appropriate Government shall prescribe necessary guidelines to be followed under the provisions of this Act.

(4) Whoever contravenes the provisions of this section shall be guilty of an offence under this Act.

4. (1) Notwithstanding any custom or ritual of any community, religion, tribe, or caste, the wastage of food items served during the celebration of a marriage or reception thereof is hereby prohibited.

Prevention of wastage of food items during marriage functions.

(2) Without prejudice to the generality of the foregoing provision, the appropriate Government may fix the limit of guests and relatives and number of dishes to be served to the guests and relatives for the solemnisation of marriage or for the reception held thereafter as it may deem necessary or expedient to prevent the wastage of food items.

(3) Whoever contravenes the provisions of this section shall be guilty of an offence under this Act.

5. (1) Notwithstanding anything contained in any other law for the time being in force or in any custom or usage to the contrary, all the marriages solemnised in the country after the commencement of this Act shall be registered within sixty days of the solemnisation of marriage in such manner as may be prescribed.

Compulsory registration of marriages.

(2) For the purposes of sub-section (1), the appropriate Government shall, by notification in the Official Gazette, designate an authority or an officer for registration of

marriage where no such authority or officer exists, in each district within its territorial jurisdiction.

(3) The designated authority shall maintain a register of marriage containing such particulars and details as may be prescribed and shall also keep the same in electronic form.

(4) The appropriate Government shall prescribe the documents relating to solemnisation of marriage which shall be furnished for the registration of marriage.

(5) After the registration of marriage under this section, a Marriage Certificate shall be issued to the married couple giving such details as may be prescribed.

(6) Notwithstanding anything contained in any other law for the time being in force or any custom, the marriage solemnised after the commencement of this Act shall be null and void, if not registered within sixty days of solemnisation of such marriage.

Penalty.

6. Whoever,—

(a) contravenes the provisions of section 3 shall be punishable with simple imprisonment for a term which may extend to three years and also with fine which may extend to five lakh rupees;

(b) contravenes the provisions of section 4 shall be punishable with simple imprisonment for a term which may extend to one month and also with a fine which may extend to fifty thousand rupees;

(c) fails to register his marriage within the prescribed period or gives false information in registering his marriage shall be punishable with simple imprisonment for a term which may extend to six months and also with a fine which may extend to two lakh rupees.

Central Government to provide funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Power to remove difficulty.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.

Act to have overriding effect.

9. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to marriages.

Power to make rules.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

Our nation is known for unity in diversity because of people of different religions, groups, castes, communities live together who have their own or different cultures, customs, traditions to follow. But one thing is perhaps common and that is marriage which is treated as an institution. Great importance is assigned to the solemnisation of marriage between two individuals—male and female. But unfortunately, these days a tendency of celebrating marriages with pomp and show and spending lavishly is growing in the country. Millions of rupees are spent on decorated *shamianas* or banquet halls followed by sumptuous feasts with musical groups performing in the backdrop video Jockeys doing anchoring. Some people even spend crores and crores of rupees on solemnisation of marriage in five or seven Star hotels where thousands of *baraatis* attend the ceremony who come by helicopters. Substantial cash and gifts sometimes even costly cars and other valuable items are given as *shagun*. Many people use this occasion to spend their black money. Media gives wide publicity in page three to such marriages. This trend or craze is getting momentum but the poor people who are in majority, cannot afford to arrange money for such a luxury and despite that they take loans on very high rate of interest and become indebted. This tendency needs to be checked through law by minimizing the role of money on an auspicious occasion like marriage.

Another tendency that is also noticed during the marriage ceremonies is wastage of food items on a large scale. In one marriage tonnes of foods is wasted which could fill the bellies of many poor people. In a poor country like ours where nearly half of its population does not get two square meals a day, wastage of food is certainly be treated as a crime. In Pakistan, in marriage parties, one can serve only four dishes to the guests and wastage of dishes is treated as criminal wastage. The number of guests too are restricted. Similar action needs to be taken in our Country also.

Recently, the Supreme Court of India moved by the plight of women fighting for their right under wedlock ruled that all marriages should be registered. This ruling of the apex court is yet to be implemented.

Hence this Bill.

DR. AKHILESH DAS GUPTA

## FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for appointment of the designated authority or officer in every district of the country. Clause 7 makes it mandatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the amount at this juncture. However, it is estimated that a sum of rupee two hundred crore may involve as recurring expenditure per annum. A sum of rupee five hundred crore may also involve as non-recurring expenditure from the Consolidated Fund of India.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for the carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

## VI

## BILL NO. XXXVIII OF 2012

A Bill to provide for election expenses to the recognised political parties and their official candidates for contesting elections to Lok Sabha, Legislative Assembly and local bodies by the State in order to check increasing use of black money in such elections and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title  
and  
commencement.

1. (1) This Act may be called the Contesting Election on Government Expenses Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification, in the Official gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "partial election expenses" means the expenses that may be fixed, from time to time by Parliament for providing to the Official candidate and the recognise Political Parties for contesting elections to Lok Sabha, Legislative Assembly and local bodies;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "recognised political party" means the political party that has been allotted election symbol by the Election Commission of India;

43 of 1951.

(e) Words and expressions used but not defined in this Act and defined in the Representation of the People Act, 1951 shall have the meanings respectively assigned to them in that Act.

3. (1) The appropriate Government shall provide partial election expenses to the recognised political parties and their official candidates in the country for contesting Lok Sabha, State Legislative Assembly and local body elections in such manner as may be prescribed.

Appropriate Government to provide election expenses to recognised political parties and their official candidates.

(2) Notwithstanding anything contained in any other law for the time being in force, the recognised political parties and their official candidates shall be allowed to accept all kinds of donations and contributions from general public, entrepreneurs and corporate houses:

Provided that such donations, exceeding rupees ten thousand shall be accepted through cheque or draft and the names of the contributors shall have to be disclosed by the political parties on their website.

4. (1) The Central Government shall, by notification in the Official Gazette, establish an Election Fund at national level to provide for partial election expenses to the recognised political parties and their official candidates.

Establishment of Election Fund.

(2) For the purpose of sub-section (1), Parliament shall by due appropriation made by law in this behalf, provide initial capital of rupees five thousand crore to the corpus of Election Fund.

(3) After the Election Fund so establish, funds shall be provided to the Election Fund by the Central and State Governments in such proportion as may be agreed to by them from time to time.

5. (1) The Appropriate Government shall provide the election expenses to the recognised political parties if:—

Setting up of a regulatory mechanism.

(i) there exists internal democracy within the party; and

(ii) the internal set up and the accounts of income and expenditure are maintained in order.

(2) The appropriate Government shall set up a regulatory mechanism to look into the internal democracy, internal set up and accounts of income and expenditure of political parties in such manner as may be prescribed.

(3) The regulatory mechanism so set up shall function as a constituent of the Election Commission of India.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made by the Central Government, under this Act shall be laid, as soon as may be after it is made, before each House of Parliament; while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Today, increasing use of black money in elections has become the biggest problem being faced by the Indian democracy. As per the estimate nearly rupees ten thousand crore was spent by the political parties and the official candidates in the Lok Sabha elections of 2009. This amount is more than the amount spent during the American Presidential election held in 2008. A large amount of sum is used in the elections to the State legislatures and local bodies. To check the usage of black money in the elections, concerns have been expressed from time to time. Several Committees have also been constituted in this regard but their recommendations could not be implemented. The Election Commission has taken effective steps to check the use of black money but these steps have not proved successful in curbing black money completely. The proposal of providing the expenses for the election by the Government to the political parties and the candidates can prove to be effective in checking the use of black money. Almost all the Committees related to the electoral reforms have made this recommendation.

Hence this Bill.

PRABHAT JHA

## FINANCIAL MEMORANDUM

Clause 3 provides the appropriate Government to provide election expenses to recognised political parties and their official candidates. Clause 4 of the Bill provides for the establishment of an election fund. There is a provision of initial capital of rupees five thousand crore in the election fund. This would involve an expenditure from the Consolidated Fund of India. Clause 5 of the Bill provides for the establishment of a regulatory mechanism. An annual recurring expenditure of rupees one hundred crore is likely to be incurred for the management of this mechanism. The Bill, if enacted, would involve a non-recurring expenditure of rupees fifty crore for the immediate constitution of the regulatory mechanism. The recurring and non-recurring expenditure related to constitution and management of the regulatory mechanism will be met from the Consolidated Fund of India.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

**VII****BILL NO. XXXIX OF 2012**

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2012.

Short title and  
commencement.

(2) It shall come into force with immediate effect.

2. For Article 155 of the Constitution, the following article shall be substituted namely:—

Substitution of  
new article for  
article 155.

"155. The Governor of a State shall be appointed by the President by warrant under his hand and seal in consultation with the Chief Minister of that State."

Appointment  
of Governor.

## STATEMENT OF OBJECTS AND REASONS

Article 155 of the Constitution provides that the Governor of a State shall be appointed by the President by warrant under his hand and seal. As per the existing practice, the Governor of a State is appointed by the President on the recommendation of the Central Government. The appointment and role of a Governor has many a times been beset with controversies. The State Governments think that the Centre interferes with the decisions of the State Governments through the Governor.

The position of the Governor becomes more contentions when the Government at the Centre and the State Government belong to different political parties. There are instances where decisions taken by Governor led to major shake up in the governance of the state. At several occasions it has also led to dismissed of the elected Government.

The post of a Governor is Constitutional and a highly dignified one. Therefore, this post should be kept away from party politics. Taking these facts into account, the advice of the Chief Minister of the State concerned should be made mandatory in the appointment of a Governor.

Hence this Bill.

PRABHAT JHA



# VIII

## BILL NO. LXV OF 2012

A Bill to provide for the constitution of a Special Price Control Authority to control the rise in the prices of commodities and services and formulate a concrete, adequate and uniform national price policy in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Price Control Authority Act, 2012.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,—
  - (a) "prescribed" means prescribed by rules made under this Act;
  - (b) "recognised economist" means economist serving in or retired from various institutes of the Central or the State Governments; and
  - (c) "special authority" means Special Price Control Authority constituted under section 3.

Short title,  
extent and  
commencement.

Definitions.

Constitution  
of Special  
Price Control  
Authority.

3. (1) The Central Government may, by notification in the Official Gazette, constitute a Special Price Control Authority which shall be exercising its powers conferred by this Act and discharge the assigned duties and functions to maintain the prices at normal level in the country.

(2) The special authority shall consist of not more than ten members, to be appointed by the Central Government from amongst the persons who are recognised economists having not less than ten years of experience in the field of fiscal policy.

(3) The Central Government may appoint one Chairperson and one Secretary from amongst the members of the Special Authority.

(4) The salary, allowances and the terms and conditions of service of the Chairperson, Members and Secretary of the Special Authority shall be such as may be prescribed.

(5) The headquarters of Special Authority shall be at New Delhi.

(6) The Special Authority shall have its own Secretariat consisting of such number of officers and employees as it deems necessary for the efficient performance of its functions.

(7) The recruitment, salaries and other terms and conditions of service of the officers and employees of the special authority shall be based on the rules framed for the Central Government employees and shall be such as may be prescribed.

Powers and  
functions of  
Special Price  
Control  
Authority.

4. The powers and functions of the Special Authority *inter alia* shall include:—

- (i) formulation of a concrete, adequate and uniform national price policy;
- (ii) monthly listing of State-wise price fluctuation in all commodities or services;
- (iii) preparing suggestions to normalize the price fluctuation and forwarding them to the Central Government;
- (iv) carrying out constant research on various measures of price control;
- (v) making special efforts to ensure uniformity in the prices of commodities or services throughout the country;
- (vi) ensuring that price rise in urban areas shall not affect the price level in rural areas;
- (vii) ensuring that price fluctuation at international level does not affect the price level in the country; and
- (viii) making all possible efforts to prevent the problem of price rise from being a long term on permanent phenomenon.

Overriding  
effect of the  
Act.

5. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to  
make rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

#### STATEMENT OF OBJECTS AND REASONS

For past many years, there has been an uncontrolled hike in the prices of commodities or services in the country. All fiscal measures of the Government are proving useless. Due to this uncontrolled price, where the common men are suffering a lot in one hand, the people running the Government have remained mere spectator. As per the Government data, there has been a sixty-three per cent hike in the price of all the commodities during April, 2004 to April, 2012. Despite a continuous increase in rates of commodities or services the Government have remained unsuccessful in controlling the prices. On the contrary, this policy had certainly weakened the economy of the country. When all the mechanisms of the Government are proving unsuccessful in controlling steep hike in price, it is high time to take fresh and concrete initiative in this direction.

Hence this Bill.

PRABHAT JHA

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#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constituting a Special Price Control Authority. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of a sum of rupees three hundred crore may also involve on the establishment of Secretariat and other related arrangements for the authority.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the provisions of this Bill. As the rules will relate to matters of details only, the delegation of legislation power is of a normal character.

## IX

## BILL No. XXXIII OF 2012

A Bill to provide for compulsory registration of international prepaid SIM cards to be operated in India in the interest of national security and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Compulsory Registration of International SIM cards to be Operated in India Bill, 2012.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) "cellular or mobile phone" includes any wireless device that sends and receives voice, data, etc., using radio frequency energy;

(b) "mobile network operator" means and includes any company that provides network, for voice or data services to mobile phones in the country;

(c) "international prepaid SIM (Subscriber Identification Module) Card" means a portable memory chip or a printed circuit board for which credit is purchased in advance of service use, required to be connected in any Global System for Mobile Communication

(GSM) or Code Division Multiple Access (CDMA) mobile phone which contains subscriber details such as security information, internal memory of phone numbers and similar data that identifies the caller to the network operator, which has been issued by a mobile company of any other country;

(d) "prescribed" means prescribed by rules made under this Act;

(e) Words and expressions used but not defined in this Act but defined in the Indian Penal Code, 1860, the Indian Telegraph Act, 1885 and the Information Technology Act, 2000 shall have the same meaning as is respectively assigned to them in those Acts.

45 of 1860.  
13 of 1885.  
21 of 2000.

3. (1) Every person coming to India and carrying a prepaid mobile phone connection, shall within two days of his arrival in India, register his mobile phone connection within such mobile network operator of India who has a collaboration with the operator issuing the International prepaid SIM card to carry the calls of that company in India. Provided that in case of the person fails to register his prepaid international SIM card within the prescribed period of two days, he shall be guilty of an offence under this Act and his SIM card shall be deactivated by the mobile network operator in India.

Registration  
of  
International  
SIM Cards in  
India with  
local Mobile  
network  
operators.

(2) Every mobile network operator immediately on receiving the details of any prepaid International SIM card shall register the profile of its prepaid international subscribers and maintain proper record of users who may operate their international mobile SIM cards in India.

(3) Every local mobile network operator, before registration of prepaid International SIM Card, shall obtain the following details from the International SIM card holder:—

(i) photo copy of valid passport of the user; and

(ii) time period of the users stay in India as permitted through a valid Visa, during which prepaid international SIM card may be used in India.

(4) The mobile network operator shall, as soon as may be but not later than two days from the activation of prepaid International SIM card, submit the identification of the person using the card to the nearest police station.

(5) All mobile network operators shall inform the police about existing activated prepaid International SIM cards within three months from the commencement of this Act.

4. The concerned police authorities shall maintain record of profile of International SIM card holders who are using the prepaid International SIM card through local mobile operators in India.

Police to  
maintain  
records of  
International  
SIM card  
holders.

5. (1) Any mobile network operator who contravenes the provisions of sub-section (1) or sub-section (2) or sub-section (3) or sub-section (4) or sub-section (5) of Section 3 of this Act shall be punished with fine which may extend to rupees two lakh for the first violation and upto rupees ten lakh for second and subsequent violation.

Penalty.

(2) Any subscriber who contravenes the provisions of sub-section (1) of Section 3 of the Act shall be punished with fine which may extend to rupees five hundred.

2 of 1974.

6. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 every offence punishable under this Act shall be cognizable.

Offences to be  
cognizable.

7. Notwithstanding anything inconsistent therewith contained in any other law for the time being in force, the provision of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Overriding  
effect of the  
Act.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to  
make rules.

### STATEMENT OF OBJECTS AND REASONS

The world today has become a global village. Thanks to the advancement of the communications systems, the boundaries have blurred. One such development is the roaming facility on mobile phones which has made possible the one world, the one number a reality. But apart from the benefits, this development of science has brought with itself a plethora of problems like is, misuse by terrorists. A concern of police and security agencies worldwide is that prepaid mobile services allow the user to be anonymous and therefore facilitate criminal or terrorist activities. Prepaid phone users generally remain anonymous since the prepaid SIM card can be sold in a shop like any other goods and as prepaid services can often be topped up using cash and vouchers, there is no way to trace the payment and hence to determine the identity of a prepaid phone user from payment records. In view of this, it become very difficult to nab such criminals. This problem gets compounded in case of international SIM cards which are issued from an outside country. The person carrying such cards comes to our country and uses an international prepaid SIM card for nefarious activities and we are left with no trace or record of such a person. Thus, it is high time that suitable statutory framework are to be initiated to keep a check on such activities and nab the offenders.

Hence this Bill.

PARSHOTTAM KHODABHAI RUPALA

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is therefore of a normal character.

**X****BILL NO. XXXI OF 2012**

A Bill to provide for the teaching of Sanskrit as a compulsory language in schools.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Teaching of Sanskrit as a Compulsory Language in Schools Act, 2012.

Short title  
and  
commence-  
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. The Sanskrit language should be taught as a compulsory subject in every school from first to tenth standard.

Teaching of  
Sanskrit as a  
Compulsory  
language in  
Schools.

3. The Central and the State Governments shall equally share the expenditure likely to be incurred on the implementation of the provisions of this Act.

Expenditure  
to be shared  
by Central  
and State  
Governments.

4. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to  
make rules.

## STATEMENT OF OBJECTS AND REASONS

Sanskrit has been the language of India's soul. It is also said to be the Mother of all languages. Our *Rishi Munis* called in *Devabhasha* or the Language of the gods. No one can truly understand and appreciate the spirit of Indian culture, if he does not know the Sanskrit language as all the major ancient texts are written in this language. Sri Aurobindo, while speaking of the importance of the Sanskrit language for India, says: "It is of the utmost value to a nation, a human group-soul to preserve its language and make it a strong and living cultural instrument. A nation, race or people which loses its language cannot live its whole life or real life."

Jawaharlal Nehru has also said "The past has gone and the present is with us and we work for the future. But I have no doubt that whatever the shape the future may take, one of the biggest, the strongest, and the most powerful and the most valued of our legacies, will be the Sanskrit language." Sanskrit is the only language which was spoken all over India in the past and it is the only language which can still unify the country.

The versatile literary creations in the Sanskrit language have evoked a deep sense of awe and wonder among scholars of the world. All the profound spiritual wisdom of India embodied in our ancient scriptures like the *Vedas*, *Upanishadas*, *Bhagwad Gita*, *Puranas* and *Shastras* are expressed in the Sanskrit language. No wonder great Indian sages like Sri Aurobindo and Swami Vivekananda viewed Sanskrit language as the most perfect medium for expressing spiritual and philosophical ideas. But interestingly, even some of the modern scientists in the high-tech field of computers, have discovered that Sanskrit is the best language for the latest generation of Artificial Intelligence machine-systems. But the people of India are turning away from this treasure house of our ancient Indian culture and do not realize its value.

It is highly deplorable that such a language, which has a vast literature, is being neglected in its own country. It is high time now to make sincere efforts to increase awareness in the younger generation about the importance of Sanskrit. Teaching of Sanskrit as a compulsory language in every School will enable the younger generation to enrich their personality and the noble traditions and thoughts of Indians and make better citizens.

Hence this Bill.

PARSHOTTAM KHODABHAI RUPALA



### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the teaching of Sanskrit as a compulsory languages in schools.

Clause 3 of the Bill provides that the total expenditure incurred on the implementation of the provisions of this Bill shall be borne equally by the Central and State Governments. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. Although, the exact amount of expenditure cannot be estimated at this stage, a recurring expenditure of twenty crore rupees per annum is likely to be involved.

No non-recurring expenditure is likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

**XI****BILL NO. XXXVII OF 2012**

A Bill to provide for constitution of special courts for women and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title  
extent and  
commencement.

1. (1) This Act may be called the Special Courts for Women Act, 2012.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) 'appropriate Government' means in case of a State the Government of that State and in all other cases the Central Government;

(b) 'offence' means any offence committed against a woman including rape, criminal assault, mental injury and sexual harassment at any place or in any form or by any means either physical, verbal or any other way, or any dowry related cases where the sufferer is a woman; and

(c) 'prescribed' means prescribed by rules made under the Act.

3. (1) The appropriate Government shall set up sufficient number of special courts to deal exclusively with matters arising out of atrocities or offences committed against women. Establishment of special courts for women.

(2) Every special court shall consist of a Principal Judge and such number of other Judges as the appropriate Government may deem fit.

4. (1) A person shall not be qualified for appointment as The Principal Judge, unless he,— Qualification for appointment as Principal Judge and other Judges of special court.

(a) is, or has been, a judicial magistrate; or

(b) has, for at least two years, held the office of the Judge of the special court; and has, for at least five years, been associated with women's cause.

(2) A person shall not be qualified for appointment as a Judge, unless he,—

(a) is, or has been, a judicial magistrate; or

(b) has, for a period of not less than five years, been practicing law, and has, for at least five years, been associated with women's cause.

(3) Every Principal Judge of a special court in a Union territory shall be appointed by the President.

(4) Every Principal Judge of a special court in a State shall be appointed by the Governor of the State concerned.

(5) Every other Judge of a special court shall be appointed by the appropriate Government.

(6) At least half of the total number of posts of Judges of a special court shall be reserved for women.

5. (1) In the event of occurrence of any vacancy in the office of the Principal Judge of a special court by reason of his death, resignation or otherwise, the senior most judge of that court shall act as the Principal Judge until a new Principal Judge, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office. Senior most Judge to act as a Principal Judge or to discharge his functions in certain circumstances.

(2) If the Principal Judge is unable to discharge his functions owing to his absence from duty due to any reason, the senior most judge of that special court shall discharge the functions of the Principal Judge until the Principal Judge resumes his duties.

6. Every Principal Judge and other Judges shall hold office for a period of five years from the date on which he enters upon his office or until he attains,— Term of Office.

(a) in the case of the Principal Judge, the age of sixty five years, and

(b) in the case of any other Judge, the age of sixty years whichever is earlier.

7. Every Principal Judge or a Judge may, by notice in writing under his hand addressed to the President in case he is a Principal Judge or a Judge of a special court in a Union territory or to the Governor, in case he is a Principal Judge or a Judge of a special court in a State, resign from his office: Resignation.

Provided that the Principal Judge or any other Judge shall, unless he is permitted by the President or the Governor, as the case may be, to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

Salary, allowances and other conditions of service of the Principal Judge and other Judges.

8. The salaries and allowances payable to and other terms and conditions of service including pension, gratuity and other retirement benefits of the Principal Judge or a Judge of special court shall be such as may be prescribed by the Central Government:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Principal Judge or a Judge of a special court shall be varied to his disadvantage after his appointment.

Financial and other powers of the Principal Judge.

9. Every Principal Judge shall exercise such financial and administrative powers over the special court as may be vested in him in such manner as may be prescribed.

Staff of the special court.

10. The appropriate Government shall determine and provide categories of the officers and other employees required to assist a special court in the discharge of its functions.

Jurisdiction, power and authority of special courts.

11. Save as otherwise expressly provided in this act, every special court shall exercise all the jurisdiction, powers and authority exercisable immediately before that day by all courts except the concerned High Court and the Supreme Court in relation to all matters of offences or atrocities committed against women under the Indian Penal Code, 1860 or any other law for the time being in force relating to women.

45 of 1860.

Powers of special courts.

12. Every special court constituted under this Act shall have the same powers to hold any inquiry as are vested in a civil court under the Code of Civil Procedure, 1908 and in a criminal court under the Code of Criminal Procedure, 1973.

5 of 1908.  
2 of 1974.

Exclusion of jurisdiction of cases of special court except the High Court concerned and Supreme Court.

13. On the date of coming into force of this Act, the jurisdiction, powers and authority in relation to any offences or crimes or atrocities committed against women, shall be exercisable by a special court and no other court except the High Court concerned and the Supreme Court shall have, or be entitled to exercise any jurisdiction, powers or authority in relation to such offences or crimes or atrocities committed against women.

Transfer of pending cases.

14. Every suit or other proceeding pending before any other court or any authority immediately before the date of coming into force of this Act, being a suit or proceeding the cause of action wherein it is based, is such that it would have been if it had arisen after such constitution, within the jurisdiction of a such special court, shall stand transferred on that date to such special court:

Provided that nothing contained in this section shall apply to a suit or other proceedings pending in a High Court or the Supreme Court.

Free legal aid to women.

15. The appropriate Government shall make necessary arrangements and provisions for free legal aid to women for meeting the cost of litigation in special courts.

Disposal of cases by special courts.

16. Every case in special court shall be heard on daily basis and disposed of at the earliest but in any case not later than six months from the date of filing of the suit in the court.

Power to make rules.

17. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

### STATEMENT OF OBJECTS AND REASONS

In our society, atrocities against women are increasing day by day as a result of which cases of atrocities against women are piling up in court. The delay, by courts in disposing of the cases add to the woes of hapless women. By the time the courts give their judgement, the life of the women becomes miserable. Ordinary courts take unduly long time for deciding the cases. Therefore, it is proposed to set up special courts for women to exclusively deal with cases against women expeditiously.

The Bill seeks to achieve the above objective.

Hence this Bill.

PARSHOTTAM KHODABHAI RUPALA

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### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that every State Government and Union territory administration shall set up sufficient number of special courts to deal exclusively with matters arising out of atrocities committed against women. Clause 8 provides for payment of salaries and allowances to the Principal Judge and other Judges. Clause 10 provides for appointment and provision of officers and staff required for special courts. Clause 15 provides for free legal aid to women. The expenditure in respect of special courts for Union territories shall be met out of the Consolidated Fund of India and the expenditure in respect of special courts in States will be met out of Consolidated Funds of the respective States.

It is likely that an amount of rupees one thousand crore will be involved for setting up special courts in Union territories and by way of grants of States per annum.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

**XII****BILL NO. XLV OF 2012**

A Bill to provide for the prevention of commercialized girl child trafficking wherein a girl child is forced into prostitution after luring, procuring or kidnapping her or dedicating her as devadasi for commercial gains by providing deterrent punishment including capital punishment for such commercialization and for rehabilitation of such girl child and for welfare measures to be undertaken by Government and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Commercialized Girl Child Trafficking (Prevention, Rehabilitation and Welfare) Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise required,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(b) "girl child" means a female who is below the age of eighteen years;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "trafficking" includes forcing the girl child into prostitution or for any unlawful and immoral purpose or procuring or supplying the girl child for such purpose or dedicating the girl child as *devadasi* or *bhavin* to ultimately end up as prostitute or hiring or obtaining possession of the girl child for promiscuous sexual purposes;

(e) words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860 or the Immoral Traffic (Prevention) Act, 1956 shall have the meanings respectively assigned to them in those Acts.

45 of 1860.  
104 of 1956.

3. (1) The Commercialized girl child trafficking, in any manner, whatsoever, is hereby prohibited.

Prohibition of girl child trafficking for commercial purposes.

(2) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

4. Notwithstanding anything contained in any other law for the time being in force, whoever,—

Penalty.

(a) forces a girl child to prostitution for commercial gains, notwithstanding the family relation of such girl child with the accused shall be punished with death;

(b) lures, procures or takes charge of a girl child for indulging in immoral traffic of such girl child for the purposes of prostitution or for any unlawful and immoral purpose, shall be punishable with imprisonment for life and also with fine which may extend to five lakh rupees;

(c) hires or otherwise obtains possession of a girl child for promiscuous sexual abuse of her shall be punished with life imprisonment and also with fine which may extend to five lakh rupees.

(d) provides a girl child to his customers including any domestic or foreign tourist for prostitution or for any unlawful and immoral purpose shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but may extend to life imprisonment and also with fine which shall not be less than two lakh rupees but may extend to five lakh rupees.

(e) dedicates a girl child as *devadasi* or *bhavin* notwithstanding that the person is a natural guardian of the girl child, shall be punishable with imprisonment which shall not be less than five years but may extend to ten years and also with fine which may extend to one lakh rupees.

5. (1) Any girl child forced into commercialized trafficking covered under this Act shall be rescued by the Appropriate Government through the local police and produced before a Magistrate or Judicial Officer so designated by such Government for being lodged in a shelter home which shall be established by that appropriate Government.

Girl child forced into commercialized trafficking to be rescued by the appropriate Government.

(2) Every girl child rescued and lodged in a shelter home under sub-section (1) shall be provided,—

(a) board and lodging with meals and other necessities of daily life free of cost;

(b) medical care free of cost;

(c) education including vocational, technical and medical education including training wherever required free of cost;

(d) employment in public employment through reservation and other means;

(e) such other facilities as may be prescribed.

Welfare measures.

6. The appropriate Government shall formulate rehabilitation and such other welfare measures for a girl child, forced into commercialized trafficking who may be rescued under this Act in such manner as may be prescribed.

Central Government to provide funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds, from time to time, for carrying out the purposes of this Act.

Act to have overriding effect.

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to supplement other laws.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the subject matter of this Act.

Power to make rules.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.



## STATEMENT OF OBJECTS AND REASONS

It is a matter of grave concern that these days commercialized girl child trafficking is going on in a very large scale and many a time in the name of adventure tourism in many parts of the country particularly, in Goa, Mumbai, Orissa, Rajasthan, Tamil Nadu, Kerala and other tourist destinations. Unfortunately, girl child trafficking or prostitution is rampant not only in our country but throughout the world and more so, in Asian and African countries where poverty persists in a big way. More and more adolescent girls are being forced into commercialized prostitution by pimps, anti-social elements, organized criminal gangs, brothel keepers, hoteliers, tour operators and in many cases even by their natural guardians and near and dear ones. Mostly the girls are lured on one pretext or the other promising a decent and comfortable lifestyle and forced into trafficking. In other cases the girls are kidnapped and forced into prostitution. The girls are now even brought in from neighbouring countries like Nepal, Bangladesh, Myanmar, Bhutan, etc. for commercialized trafficking by organized gangs. In some parts of the country the young girls are dedicated to temples as *devadasi* or *bhavin* and then used for trafficking. For this shoddy affairs all the tourists cannot be blamed but a few tourists do indulge in sex tourism.

The lives of the girls child prostitutes are in constant danger due to deadly AIDS, many of them also suffer from other sexually transmitted diseases. But those who are involved in commercialized girls child trafficking are least bothered about these hapless girl children and deserve deterrent punishment. It is, therefore, proposed that whoever forces a girl child into prostitution should be awarded death penalty. Those who procure the girl child for sexual pleasure and those who provide the girl child to the clients should get life imprisonment. Similar other proposals have also been made in this Bill so that the hapless innocent girls are saved not only from the cruel and inhuman profession of prostitution but also from the dreaded disease of AIDS and other sexually transmitted diseases.

Hence this Bill.

DR. E.M. SUDARSANA NATCHIAPPAN

## FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the establishment of Shelter Homes for the rescued girls child from trafficking with provision of basic necessities of life, education, medical care, etc. Clause 6 of the Bill provides for rehabilitation and other welfare measures for rescued girl child. Clause 7 provides for adequate funds to be provided by the Central Government for carrying out the purposes of this Act. The Bill if enacted will involve expenditure from the Consolidated Fund of India. Though it is very difficult to estimate the expenditure at this juncture it is estimated that a sum of rupees five hundred crore may involve as recurring expenditure per annum.

A sum of rupees one thousand crore may also involve as non-recurring expenditure.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

**XIII****BILL NO. XLVI OF 2012**

A Bill to provide for the welfare measures to be undertaken by the State for the rural labour employed in the agriculture sector and allied activities thereto and other rural occupations by establishing a Welfare Fund for such labour and for taking other measures to improve the living conditions, working conditions and for matters connected therewith and incidental thereto.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Rural Labour (Welfare) Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "employer" includes cultivator, orchard owner, poultry farm owner, livestock rearer, agency society, food processing unit, crusher, oil or pulses mill or any such establishment located in any rural area which employs rural based labour;

(c) "Fund" means the Rural Labour Welfare Fund established under section 4;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "rural labour" means any person residing in a village and engaged in any rural vocation such as agriculture, horticulture, sericulture, poultry, rearing of livestock including piggery, food processing, handicrafts, weaving or any such other occupation as a wage earner whether in cash or kind, for his livelihood and includes any person engaged through a contractor or engaged as a self employed person.

3. (1) The Central Government shall, as soon as may be, formulate a National Policy for the betterment and welfare of the rural labour.

National  
Policy for  
rural labour.

(2) The national policy so formulated under sub-section (1) shall be uniformly implemented throughout the country and the policy may incorporate provisions for uninterrupted work round the year, minimum remunerative wages, healthcare including maternity facilities, old age pension, compensation in case of accident and such other facilities as may be deemed necessary.

4. (1) The Central Government shall, with effect from such date as may be specified by notification in the Official Gazette in this behalf, establish for the purposes of this Act, a Fund to be called the Rural Labour Welfare Fund which shall be administered by the Central Government in such manner as may be prescribed.

Establishment  
of Rural  
Labour  
Welfare Fund.

(2) The Central Government shall after due appropriation made by Parliament by law in this behalf, credit to the Fund in each financial year such sums of money as it considers necessary for carrying out the purposes of this Act.

(3) The Fund shall also consist of the moneys received from,—

- (a) the Government of the States as contributions, towards the fund;
- (b) the body corporates as donations;
- (c) financial institutions and other institutions, domestic and foreign ones as assistance;
- (d) donations from the employers and general public and bodies.

(4) The Fund shall be utilized to promote the welfare measures for the rural based labour which are necessary or expedient to do and in particular to defray the costs towards,—

- (i) improving educational facilities for the children of rural based labour;
- (ii) improving water supply for drinking and other purposes;
- (iii) improving the standard of living and nutrition for the families of rural based labour;
- (iv) amelioration of social condition of rural based labour;
- (v) providing housing and recreational facilities;
- (vi) providing medical facilities to the rural based labour and their families;
- (vii) providing financial assistance in case of infirmity or disability due to accident etc.;
- (viii) old age pension to the rural based labour;
- (ix) providing and improving the welfare measures included in the national policy and such other welfare measures as may be prescribed.

State Government etc. to furnish requisite information.

5. The Central Government may require a State Government or Union Territory Administration or a local authority or any employer to furnish for the purposes of this Act, such information in such form and within such period as may be prescribed.

Appropriate Government to ensure availability of work round the year to the rural labour.

6. Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the appropriate Government to ensure availability of work round the year to the rural labour through the employers or in such manner as that Government may deem expedient or necessary.

Annual Report.

7. The Central Government shall, after the inputs provided by the Governments of the States and Union Territory Administrations, submit an annual report, in such form and in such manner, as may be prescribed, of the administration of the Fund and other welfare activities carried out under this Act, to the President of India who shall cause the report to be laid before both the Houses of Parliament along with action taken thereon as soon as it is received.

Act to supplement other laws.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Power to make rules.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

It is rightly said that India lives in villages because nearly eighty per cent of its population lives in the villages and mostly depends on agriculture and agro based occupations. There are farms, orchards, poultry farms, livestock rearing farms where rural based labour are employed. They work as weavers, small scale entrepreneurs, handicraft artisans, potters, cobblers, blacksmiths etc. There are millions of such agricultural, home based and other workers who are unorganized and remain exploited and poor throughout their lives and live in distress from generations together. Their wages and income are meagre and they do not get employment round the year. As a result, they are poverty stricken and remain neglected even by the State.

In a welfare State, like ours, it is the duty of the State to introduce welfare measures for the have-nots like the rural based labour who remain unorganized and exploited. Hence, it is necessary to formulate a national welfare policy for the rural based labour and constitute a Welfare Fund for them to ameliorate their living conditions. In pursuance of the said Policy, the Central and State Governments will implement the welfare measures contained in that Policy and defray the costs to the Welfare Fund.

Hence this Bill.

DR. E.M. SUDARSANA NATCHIAPPAN

## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of Rural Labour Welfare Fund for which the Central Government shall provide funds in each financial year. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees ten thousand crore may involve as recurring expenditure per annum.

Non recurring expenditure to the tune of rupees one thousand crore may also involve from the Consolidated Fund of India.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

**XIV****BILL NO. XLIV OF 2012**

A Bill to provide for the identification of children employed in industries, occupations, households and establishments, eateries etc., for rescuing them from such employment and for their proper rehabilitation and for welfare measures to be undertaken by the State through education, training and such other measures for the rescued working children and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Working Children (Rescue, Rehabilitation and Welfare) Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" mean in the case of a State, the Government of that State and in other cases the Central Government;

(b) "child" means any boy or girl who is below the age of fifteen years;

(c) "competent authority" mean such authority which has been so authorized by the appropriate Government by notification in the Official Gazette to perform all or any of the functions of competent authority under this Act and also for such area or areas as may be specified therein;

(d) "employer" means,—

(i) in relation to an establishment the person who has the ultimate control over the affairs of such establishment;

(ii) in relation to a house, the head of the family;

(iii) in relation to a shop, *dhaba* stall, restaurant, hotel, kiosk, *rehri* or similar places the owner thereof; and

(iv) in relation to agricultural operation, the person for whom the agricultural operation or work is done, undertaken or accomplished.

(e) "establishment" includes a household, factory, mine, plantation site, agricultural field, shop, Kiosk, stall, *dhaba*, *rehri*, tea stall Hotel, restaurant, circus, exhibition, vending place or vehicle, garage or auto repair shop, or any place or premises in which children are employed for working;

(f) "prescribed" means prescribed by rules made under this Act.

3. (1) On the commencement of this Act, child labour in any form whatsoever shall stand abolished and every working child on such commencement shall stand freed and discharged from any obligation to render any work, be it forced or bonded labour for any employer or establishment.

Abolition of  
Child labour.

(2) After the commencement of this Act,—

(a) no person shall for himself or for any establishment either employ a child or compel any child to render any forced or bonded labour;

(b) no parent or guardian of a child shall pledge his child to anybody for any work; and

(c) any custom or tradition or any contract, agreement or other instrument by virtue of which any child is required to do any work or render any service as a worker shall be void and inoperative.

4. (1) The appropriate Government shall, from time to time as per the need, make surveys to identify and enumerate children working in various establishments and prepare a record thereof in such manner and with such details, as may be prescribed.

Survey,  
enumeration  
and rescue of  
working  
Children.

(2) The appropriate Government shall rescue all the working children identified and enumerated under sub-section (1) in such manner as may be prescribed.

(3) The working children rescued under sub-section (2) shall be lodged in shelters established by the appropriate Government for rehabilitation of such working children where such children shall be provided the following facilities, namely:—

(a) free food, clothing, boarding, lodging and other necessities of daily life;

(b) free medical care; and

(c) such other facilities as may be prescribed.

Educational  
Facilities.

5. The working children covered under this Act shall be provided the following educational facilities by the appropriate Government, namely:—

- (a) free education as per his caliber for such level and period as may be prescribed;
- (b) free vocational education and training;
- (c) free medical and engineering education and computer training wherever necessary; and
- (d) provision of employment after the completion of education.

Establishment  
of Shelters.

6. The appropriate Government shall establish and run such number of shelters as the Competent Authority may deem necessary for the rehabilitation of rescued working children under this Act.

Establishment  
of National  
Child Labour  
Rehabilitation  
cum Welfare  
Fund.

7. (1) With effect from such date, as the Central Government may, by notification in the Official Gazette, specify in this behalf, there shall be established for the purposes of this Act, a fund to be called the 'National Child Labour Rehabilitation cum Welfare Fund' to be operated by the Competent Authority in such manner as may be prescribed.

(2) The fund established under sub-section (1) shall consist of all receipts from,—

- (a) the central and State Governments and institutions and organizations;
- (b) body corporates, both of public and private sectors; and
- (c) individuals, associations and others in the form of contributions or donations.

Central  
Government  
to provide  
requisite  
funds.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, requisite funds for carrying out the purposes of this Act.

Penalty.

9. Whoever, after the commencement of this Act, employs or compels a child to render labour shall be punishable with imprisonment for a term which shall not be less than four years but may extend to seven years and also with fine which may extend to one lakh rupees.

Offences to  
be cognizable,  
non-bailable  
and  
summarily  
triable.

10. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be cognizable, non-bailable and shall be tried summarily by a magistrate.

2 of 1974.

Offences by  
Companies.

11. Where an offence under this Act has been committed by a Company, every person who, at the time, offences were committed, was incharge of and was responsible to the Company for the conduct of the business of the Company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Jurisdiction of  
Civil Courts  
barred.

12. No Civil Court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any Civil Court in respect of anything which is done or intended to be done by or under this Act.

Act to have  
overriding  
effect.

13. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to  
make rules.

14. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.



### STATEMENT OF OBJECTS AND REASONS

According to 2001 Census, in the age group of 5-14 years there are nearly 1.26 crore working children in our country. Most of them work in hazardous conditions and are consistently exploited. Quite a large number of them work in carpet factories, brick kilns, stone and limestone mines etc., as a bonded labourer. Children also work in Beedi rolling factories, bangle manufacturing units, cracker factories, hotels, tea stalls, *dhabas*, garages, cycle and other vehicle repairing shops agricultural fields, *ferriwallas*, domestic servants and various other kinds of working places. At the school going age and when it's time to enjoy the childhood the hapless children are forced to work from the very tender age either for their own survival or to support their poor families. Many a time alcoholic or drug addict, or gambler parents also force their wards to work. These unfortunate children remain illiterate and exploited. They generally get meager salary and many a time only two square meals and a pair of clothes. They do not get proper medical care at the time of need and are left to their destiny.

Though child labour is prohibited by law but laws are flouted without any fear because the laws are not credible deterrent. Such Law breakers must get stringent punishment. In a Welfare State like ours the State has to come forward to rehabilitate the child workers through education, training and other means. A National Child Labour Rehabilitation-cum-Welfare Fund should be established for them so that their childhood is save from exploitation and they grow as responsible citizens.

Hence this Bill.

DR. E.M. SUDARSANA NATCHIAPPAN

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### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for rehabilitation of the rescued children by giving them free food, medical care etc. Clause 5 provides for educational facilities for working children. Clause 6 provides for the establishment of shelters for such children. Clause 8 makes it mandatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of two thousand crore rupees may involve as recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees two thousand crore may also involve from the Consolidated Fund of India.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

**XV****BILL NO. XLIX OF 2012****A Bill further to amend the Constitution of India**

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Constitution (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of  
article 72.

**2.** In article 72 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

“(4) Nothing in sub-clause (c) of clause (1) shall be applicable in all cases in which Supreme Court of India has held any accused guilty of waging war against India under Sections 121, 121(A) and 122 of the Indian Penal Code, 1860”.

## STATEMENT OF OBJECTS AND REASONS

Article 72 of the Constitution of India provides power to President of India to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute sentence in certain cases including those where the sentence is of death. In certain cases including the attack on Parliament House in 2001 and later attack on Mumbai known as "26/11 Attack" in 2008 have been adjudged as an act of waging war against India by the Supreme Court. The accused in the case of Parliament attack made a clemency petition to the President and the accused of Mumbai attack had also done the same. The acts of violence perpetrated by those accused, amount to waging war against India and therefore should not be considered with a normal parameter. The feeling of a law-abiding citizen of India is such that the sentence to be executed immediately and accused should not be benefited of exceptional provision in the Constitution of India. Therefore, the provision of President's discretion of pardoning or suspending the sentence pronounced by the Supreme Court of India should not be made available to the accused who have waged war against India as mentioned under sections 121, 121(A) and 122 of the Indian Penal Code. This Constitution amendment is, therefore, brought to prevent the accused from filing clemency petition to the President of India.

Hence this Bill.

DR. BHARATKUMAR RAUT

**XVI****BILL NO. LXI OF 2012**

A Bill further to amend the Protection of Women from Domestic Violence Act, 2005

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title  
and com-  
mencement.

1. (1) This Act may be called the Protection of Women from Domestic Violence (Amendment) Act, 2012.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of Section 18  
of Act 43 of  
2005.

2. After Section 18 of the Protection of Women from Domestic Violence Act, 2005, the following proviso shall be inserted, namely:—

“Provided further that the Commissions constituted to protect the interest of women under the State legislations and also service providers recognized, if any, under such legislations, may also issue protection orders under the above section, which shall remain in force for a period of eight days, from the date of the order, until a Magistrate having jurisdiction to decide in the matter of domestic violence in question, takes cognizance of any complaint filed by the aggrieved person and passes an appropriate protection order in the matter, whichever is earlier.”

## STATEMENT OF OBJECTS AND REASONS

Parliament has enacted the Protection of Women from Domestic Violence Act, 2005, which has empowered the Magistrate to pass orders in the nature of Protection Orders under Section 18, Residence Orders under Section 19, Orders for Monitory Relief under Section 20, Custody Orders under Section 21 and Compensation Orders under Section 22, etc. However, till the time an aggrieved person approaches a Protection Officer to file a case before the Magistrate on behalf of an aggrieved person, it takes a considerable time and aggrieved person gets no protection whatsoever, till that time.

Tendency among aggrieved person is to first approach the National Commission for Women appointed under the National Commission for Women Act, 1990 or a similar State Commission appointed under the respective State legislations. These Commissions have powers to hear the parties and arrive at settlement in the event there is an agreement between parties. The next course open to these bodies is to advise the aggrieved person to approach the Protection Officer or Police Authorities, as the case may be.

The proposed amendment brings the Commissions appointed under the State legislations within the ambit of the Protection of Women from Domestic Violence Act and extend the powers of issuing Protection Order to a limited extent also to the Commissions and Service Providers under the said State legislations, so that, aggrieved persons approaching the Commissions in the first instance can also get relief from the Commissions as the case may be instead of, merely, an advice or guidance.

Hence this Bill.

SHANTARAM NAIK

**XVII****BILL NO. LX OF 2012**

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and  
commence-  
ment.

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of Section 8  
of Act 43 of  
1951.

2. In section 8 of the Representation of the People Act, 1951 in sub-section (2), after clause (c), the following clause shall be inserted, namely,—

“(d) any law providing for banning the practice or encouraging or inducing others to practice or propagate superstitious beliefs.”.

## STATEMENT OF OBJECTS AND REASONS

Superstitious beliefs are prevailing in the country for the last several centuries. These beliefs have taken strong roots in the society and have done irreparable harm to it, particularly to the weaker sections. It was expected that as time passes, scientific temper in the minds of the people will increase and, people may refrain from resorting to unpleasant and crude methods to achieve their social and other objectives. Literacy is increasing among the people but, disbelief in superstitions has not diminished in the same proportion. Literate people too, are found to be indulging in superstitions in quite an astonishing proportion.

It is unfortunate that several persons in public life in some form or the other practice superstitions. Although, religious practices or rituals stand on different footings, practising of superstitions in the name of religion is dangerous. Well to do persons or others in the business community or the rich farming class at times may lose a few thousand rupees, but the poor, who practise superstitions in the name of religion suffer immensely.

A number of *Babas* have surfaced on the political arena utilizing religions platforms for the purpose of preaching their political philosophy. Therefore, restraint has to be imposed on those who lead the society. Disqualifying those who seek to contest elections, is one way, of making the message, loud and clear.

Hence this Bill.

SHANTARAM NAIK

**XVIII****BILL NO. LXII OF 2012**

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title  
and com-  
mencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2012.
- (2) It shall come into force at once.

Insertion of  
new article  
50A.

2. After article 50 of the Constitution, following article shall be inserted, namely:—

Balanced  
Development  
of all regions.

“50A. The State shall endeavour to achieve a balanced growth and development of areas within the jurisdiction of States and Union territories by enacting an appropriate law to provide that no development funds are be allotted or spent in a village, tehsil, district, Assembly or Parliamentary Constituency, disproportionately at the cost of other areas.”



## STATEMENT OF OBJECTS AND REASONS

The Central Government, as also various State Governments, spend crores of rupees annually on various developmental schemes. However, there is no provision in the Constitution or in any other enactment for a fair and equitable distribution of public money in different revenue Districts, Parliamentary or Assembly Constituencies. As a result, many a time, Ministers in-charge of the respective Ministries are found to be allocating funds disproportionately in their respective constituencies and in a manner that hardly any funds remain for allocation in remaining areas. Representatives of the people, whether they are Members of Parliament or Members of State Legislatures have to suffer the ire of the public who remain ignorant about regional imbalance resorted to by persons. On account of some specific project coming up in any area, a large chunk of funds may be needed. But, a proper explanation should be given on the imbalance occurring on account of investments in such national or State level projects. It is therefore felt that there should be a statutory enactment or a provision in the Constitution of India which will ensure a fair amount of regional balance.

It is therefore proposed that the state shall endeavour to achieve a balance growth and development of the areas within the jurisdiction of State and Union Territories by enacting an appropriate law to provide that no development funds are allotted or spent in a village, tehsil, district, Assembly or Parliamentary Constituency, disproportionately or arbitrarily at the cost of other areas.

Hence this Bill.

SHANTARAM NAIK

**XIX****BILL NO. LXVI OF 2012**

A Bill to provide for the restructuring of existing infrastructure and establishment of new infrastructure in public places, public buildings and public transport in a manner that is accessible and convenient to use for the physically challenged persons and for matters connected therewith or incidental thereto.

WHEREAS the preamble of Constitution of India mandates to ensure equality of status and of opportunity and justice, social, economic and political to all its citizens;

AND WHEREAS article 41 of the Constitution in its Directive Principles of State Policy suggests that "the State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved want";

AND WHEREAS the National Policy for Persons with Disabilities, 2006 recognizes that persons with disabilities are valuable human resources for the country and seeks to create an environment that provides them equal opportunities, protection of their rights and equal participation in society;

AND WHEREAS the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) adopted in 2006 recognizes the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms;

AND WHEREAS India is a signatory to the convention and has ratified it on 1st October, 2007;

AND WHEREAS the convention makes it the obligation of all States parties to adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the convention.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the physically challenged (infrastructure for Accessibility to Public areas) Act, 2012.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Accessibility Infrastructure" means such infrastructural facilities which are convenience to use or make the movement easy for persons who are physically challenged, or such infrastructure which facilitates the free physical movement of such persons and includes:—

- (i) audible signals at signalised intersections of roads;
- (ii) bell pushes in buses to signal particular requests;
- (iii) braille signs on push buttons and keyboards in lifts;
- (iv) centre islands on roads for easy road crossing;
- (v) disabled friendly toilets;
- (vi) electric wheel chairs;
- (vii) enlarged bathroom stabs and grab bars;
- (viii) enlarged doorways and hallways;
- (ix) escalators;
- (x) handrails and grab handles;
- (xi) low floor buses with flexible bridge to cover the gap between road and the step;
- (xii) lowered keyboards and push buttons in lifts;
- (xiii) mobility scooters;
- (xiv) pedestrian footways;
- (xv) lamps;
- (xvi) seating arrangements at waiting stations;
- (xvii) special parking places for wheel chairs;
- (xviii) stairway chair lifts;
- (xix) visual alarms;
- (xx) priority seats on buses for the physically challenged;

(xxi) continuing hand rails from the steps till the priority seats for the physically challenged, in buses; or

(xxii) any other infrastructure facilities that are deemed necessary by the Inter-Ministerial Coordination Committee and the Disability Rights Studies Committee appointed under the Act.

(b) "appropriate Government" means,—

(i) in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonment Act, 1924, the Central Government;

2 of 1924.

(ii) in relation to a State Government or any establishment wholly or substantially financed by that Government, or any local authority, other than a Cantonment Board, the State Government;

(c) "Disability Rights Studies Committee" means a committee to study about the accessible infrastructural facilities for the physically challenged, constituted under section 7 of this Act;

(d) "Inter-Ministerial Coordination Committee" means a committee appointed under section 6 for the purposes of this Act;

(e) "National Welfare Officer for physically challenged means the officer appointed under section 8 of this Act;

(f) "Officer-in-charge for disability welfare" means the officer appointed under section 9 of this Act, at the State, district, block and panchayat levels;

(g) "physically challenged" includes all such persons who have any kind of loco motor disability or visual or hearing impairment;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "public areas" means places which are open to the public for use, including roads, footpaths, bus and railway stations, airports, etc.;

(j) "public buildings" means and includes all buildings belonging to Central, State and Local self-Government or owned by private sector which provide services to the public,; and

(k) "public transport facility" means state or privately owned buses, which operates within the country for the use of public.

Removing  
obstructions  
for free  
movement of  
persons with  
disability.

3. (1) All authorities having ownership over or in-charge-of maintenance of public places and owners of private buildings shall remove all types or obstructions for the free movement of persons with disability as listed in the report of the Disability Rights Studies Committee constituted under section 6, in all existing public areas, buildings and transport facilities, under their supervision and jurisdiction, within two years of the commencement of this Act.

(2) (a) All national infrastructure projects shall have a barrier free environment to ensure easy access to the physically challenged.

(b) For this purpose buildings or places or other facilities of the National Infrastructure Projects shall remove all types of likely obstructions for the free movement of physically challenged, as decided by the Disability Rights Studies Committee within two years of the commencement of this Act.

(3) Adequate clearance as decided by the Disability Rights Studies Committee shall be provided to prevent visually challenged people from hitting overhanging branches or hanging bill boards in the footways.

4. (1) All buildings and new public places under construction shall be required to be supervised and shall ensure the free movement of physically challenged, by the officer-in-charge of disability welfare at the concerned level; State, district, block or panchayat.

Public places to have free movement of person with disability.

(2) The officer-in-charge of disability welfare at the concerned level shall issue a easy access environment certificate to all corporations, municipalities, panchayats and public buildings that adhere by the physically challenged friendly infrastructure requirements specified by the rules under this Act on receipt of a verification report of such places or buildings, submitted by the concerned officer in charge of disability welfare.

(3) Possession of such Easy Access Certificate shall be necessary, from two years of the enactment of this Act, for any authority who has ownership over or in charge of the maintenance of any public area, public authority or private owner of any building or public transport facility, to avail any type of Central or State Government grants.

5. (1) The existing facilities and infrastructure for the free movement of physically challenged in public places, buildings, and transport facilities shall be remodeled, improved and increased for each category of physically challenged persons in all public places and buildings as mentioned in the rules made under the Act; based on the study report by Disability Rights Studies Committee and such infrastructure facilities shall be in place within three years of the commencement of the Act.

Creating and maintaining facilities.

(2) The accessibility infrastructure facilities so created shall include those mentioned in section 2 of this Act, wherever necessary and the concerned authorities shall also be responsible for maintaining the same.

(3) New public places and buildings which are being constructed shall adhere to the rules and standards of accessibility infrastructure as prescribed under the rules of this Act.

(4) All National infrastructure projects like highways, airports, railway stations shall have all accessibility infrastructure facilities as laid down in section 2 of this Act, wherever necessary.

(5) All owners or persons or authorities in-charge of any public buildings shall ensure that the way into such building is completely accessible and step free for physically challenged.

(6) From the date of commencement of this Act, no person or bodies, either Government or private shall be given permission to construct buildings unless they have a plan for Accessibility infrastructure for the physically challenged in place incorporated in any building. Such plan shall adhere to the rules and standards and specified in the rules under the Act.

(7) All such standards of the accessibility infrastructure shall be certified by the Bureau of Indian Standards.

(8) The officer-in-charge for disability welfare at the concerned level shall supervise the construction of such buildings in his/her jurisdiction to ensure the disabled friendly infrastructure at different stages of construction and report to the National Welfare Officer for Persons with Disability.

(9) The Disability Rights Studies Committee shall undertake extensive campaigning projects for one year to spread awareness about the need for accessibility infrastructure.

6. (1) An Inter-Ministerial Coordination Committee shall be constituted at the Centre, by the appropriate Government to look into all matters related to the creation of accessible infrastructure for physically challenged and to coordinate with different Ministries or Departments, the work related to this Act.

Constitution of Inter-Ministerial Coordination Committee and its functions.

(2) The Inter-Ministerial Coordination Committee shall be chaired by the Minister of Social Justice and Empowerment and co-chaired by the Minister of Urban Development.

(3) The Inter-Ministerial Coordination Committee shall consist of three Secretaries, one from the Ministry of Social Justice and Empowerment, one from the Ministry of Urban Development or from the Ministry of Panchayati Raj and one from the Ministry of Planning or Ministry of Railways.

(4) The Inter-Ministerial Coordination Committee subject to the provisions of this Act shall,—

(a) coordinate and supervise the work of different Ministries for the implementation of the Act;

(b) monitor the allocation of funds for the implementation of the Act, by different Ministries and ensure the utilization of funds;

(c) look into the complaints regarding non-implementation of the Act;

(d) submit the reports of the implementation of the Act from time to time, to the Central Government; and

(e) appoint the Disability Rights Committee and the National Welfare Officer for persons with disability for the implementation of the Act.

Constitution  
of Disability  
Rights Studies  
Committee  
and its  
functions.

7. (1) The Inter-Ministerial Coordination Committee shall constitute a Disability Rights Studies Committee which includes the State Commissioners and the Chief Commissioner appointed under the Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The Committee shall be chaired by the Chief Commissioner.

1 of 1996.

(2) The Disability Rights Studies Committee shall, subject to the provision of this Act,—

(a) conduct an extensive study and submit a report to the Inter-Ministerial Coordination Committee on the changes that have to be made in the existing accessible infrastructure and suggest new facilities that has to be put in place;

(b) suggest the changes needed to be made in each State based on the resources available at the State and the population of different categories of physically challenged persons in that State.

(3) The Disability Right Studies Committee shall submit its report within a year of the commencement of the Act and the Committee shall stand dissolved once the study report is submitted.

Appointment  
of National  
Welfare  
Officer.

8. (1) The Inter-Ministerial Coordination Committee shall appoint a National Welfare Officer for Physically Challenged to look into the execution of this Act at various levels of governance.

(2) A person shall not be qualified for appointment as the National Welfare Officer unless he has special knowledge or practical experience in respect of matters relating to disability welfare.

(3) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the National Welfare Officer shall be such as may be prescribed by the Central Government in the rules under the Act.

(4) The functions of the National Welfare Officer shall be,—

(a) coordination with the officers-in-charge of disability welfare at the State level for the implementation of the Act;

(b) monitoring the work of all State, district, block and panchayat level officers of disability welfare;

(c) take all necessary steps for the implementation of the Act and grievance redressal; and

(d) submitting reports to the Inter-Ministerial Coordination Committee on the implementation of the Act.

9. The State Government shall appoint an officer-in-charge of disability welfare at State, district, block and panchayat levels, who shall be responsible for ensuring the implementation of the Act at such levels who shall report to the National Welfare Officer for physically challenged.

Officer-in-charge of disability welfare at various levels.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in Session, for a total period of thirty days which may be comprised in one Session or in two or more successive Sessions, and if, before the expiry of the Session immediately following the Session or the successive Sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

According to 2001 census data 2.19 crore of the population of the country are suffering with various kinds disabilities. Of which, seventy-five per cent of the persons with disabilities are in rural areas. Only forty-nine per cent of the total population of persons with disabilities are literate. Persons with disabilities and especially those who are physically challenged can contribute productively to the country, reducing their dependency on others, if there are facilities available for them for their free and easy movement. Such facilities would enhance their participation in social, economic and political affairs. The Bill aims at removing various infrastructural obstructions and creating accessible infrastructure for the physically challenged, to:—

(i) provide an enabling and barrier free environment to persons with disability, where they are least dependent on others and more confident to engage in day to day social and economic activities; and (ii) ensure equal status and opportunities to persons with disabilities.

Hence this Bill.

VIVEK GUPTA

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the removal of obstructions in the infrastructure for the free movement of physically challenged people. Clause 4 provides *inter alia*, that new facilities and accessibility infrastructure shall be installed as suggested by the Disability Rights Studies Committee. Clause 5 provides that existing facilities and infrastructure in public places, buildings and transport shall be remodeled for free movement of physically challenged. Clause 7 provides for constitution of the Disability Rights Studies Committee. However, clause 8 provides for the appointment of National Welfare Officer. The concerned public authority or private owner in charge of or in ownership of the particular public place, building or transportation facilities has to bear the cost for the same. The Bill, therefore, if enacted, would involve expenditure from the budget of the concerned Ministry, under which the authority in charge for the maintenance of public place falls. Each Ministry has to set aside the estimated amount for the same, in their annual budget.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. Since the rules will relate to matters of detail only, the delegation of legislation power is of a normal character.



**XX****BILL NO. LXVII OF 2012**

A Bill to make all the regulatory and subordinate authorities, under different central legislations accountable to the Parliament and for all matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Regulatory Authorities (Accountability) Act, 2012.

Short title,  
extent and  
commencement.

(2) It shall extend to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "central Act" means any legislation passed by the Houses of Parliament for enforcement in whole or any part of the country;

(b) "impact assessment study" means an audit or monitoring and evaluation study regarding the functioning of regulatory or subordinate authorities by the Ministry under which the Regulatory or subordinate authority functions;

(c) "regulatory or subordinate authority" includes any council, board or any body by whatever name called constituted under a Central Act;

(d) "report" means the annual report that explains the functions, activities, and decisions taken by a regulatory or subordinate authority; and

(e) "subordinate legislation" means any rule or regulation or scheme made by the regulatory or subordinate authorities for the implementation of the Central Act.

Duties of  
Regulatory or  
subordinate  
Authorities.

3. (1) All regulatory or subordinate authorities, which are not submitting reports to the Houses of Parliament shall, hereafter, submit half yearly report to the Houses of Parliament.

(2) It shall be compulsory for each regulatory or subordinate authority to frame rules, regulations, bye laws etc. within thirty days from the date of enactment of a Central Act:

Provided that if any Central Act is pending for consideration in any court of law, the authorities shall proceed to make rules regulations, bye law etc. on such Act after the pronouncement of the judgement.

(3) The rules, regulation, bye laws etc. so made, shall be laid before the Houses of Parliament for scrutiny as soon as possible after these have been framed.

Monitoring  
and  
evaluation  
study.

4. (1) There shall be a monitoring and evaluation study by a study team (hereinafter referred to as study) of all regulatory or subordinate authorities under the concerned Ministry and the concerned Ministry shall submit a report of the study to the Houses of the Parliament, every year.

(2) The study team shall comprise the following members,—

(a) one Secretary from the concerned Ministry or Department;

(b) two persons associated with the Ministry and selected by the Minister; and

(c) one Member of Parliament from Rajya Sabha and the other from Lok Sabha nominated by the Chairman and Speaker respectively.

Uploading of  
reports on  
website.

5. The Central Government shall ensure that each Ministry of the Central Government, in its website upload the reports of various regulatory or subordinate authorities under its jurisdiction alongwith the study report.

Member of  
Parliament to  
be a part of  
the authority.

6. All regulatory or subordinate authorities constituted under a Central Act shall have in its composition one Member from the Rajya Sabha and two Members from the Lok Sabha as nominated by the Chairman or the Speaker of the respective House.

## STATEMENT OF OBJECTS AND REASONS

The country has a number of independent regulatory bodies or subordinate authorities, which are constituted under various acts, for each sector. Regulatory authorities are vested with the powers, *inter alia* of creating rules for the implementation of laws and imposing penalties for non adherence to laws. However, there has been no measure initiated to ensure the accountability of these regulatory authorities. Many regulatory bodies that act independently are not mandated by any law to submit their reports to the Parliament.

While the subordinate authorities are required to submit the rules that are made by them to the Parliament, and are subject to scrutiny by the Committee on Subordinate Legislations, there are no mechanisms to ensure the transparency in the working of these authorities. It is necessary to make the subordinate authorities democratically accountable and ensure that the work carried out and the decisions made by them are in line with the best interest of the people they are required to serve. Besides it is also felt that a monitoring and evaluation study of such regulatory and subordinate authority should also be done.

The Bill, hence seeks to establish a system to make the regulatory or subordinate authorities accountable and answerable to the Parliament. The Bill requires every regulatory authority in the country to table their annual report of functions and the rules made by them for the implementation of particular legislations to the Houses of Parliament, for scrutiny.

Hence this Bill.

VIVEK GUPTA

## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for conducting an Impact Assessment Study on the regulatory authorities annually. The cost of conducting the study shall be borne by the respective Ministry. An amount for this study has to be set aside in the annual budget of the Ministry. The implementation of the bill will not incur any cost to the Central Government.

**XXI****BILL NO. LVII OF 2012**

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title  
and  
commence-  
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of article 15.

2. In article 15 of the Constitution, after clause (5), the following clause shall be inserted, namely:—

“(6) The State shall not apply or prescribe any criteria including economic criteria or decisions of any authority to the contrary in making any special provisions for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.”.

## STATEMENT OF OBJECTS AND REASONS

Article 15(4) of the Constitution enables the State to make special provisions for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. Accordingly, provision for reservation in jobs and educational institutions has been made.

The policy of reservation strengthens the concept of equality enshrined in the Constitution by promoting social equality in our country. The socially and educationally backward classes of citizens, the Scheduled Castes and the Scheduled Tribes were marginalized and oppressed for centuries as a result of caste system prevalent in the country. Even after independence, they have not been able to attain the level of economic and educational advancement enjoyed by the upper caste. It must be realised that discrimination on the basis of caste threatens the very fabric of our nation and therefore, safeguards for reservation which is a tool for promoting social equity should find a place in our Constitution.

Even after sixty-five years of affirmative action, the caste based discrimination and caste based distinction exist on a large scale in our society. In its present form, it has not succeeded in building capabilities and offering opportunities to those it has sought to benefit. To make matters worse, efforts are being made to dilute the reservation system by introducing economic criteria and concept of creamy layer.

It must be remembered that introducing economic or any criteria other than social and educational backwardness will only nullify the object of this affirmative action. The economic criterion is valid only in casteless societies. Since essence of discrimination and marginalization in the Indian society is based on caste, exclusion of backward classes from getting benefits under reservation on the basis of economic criteria or in the form of creamy layer or in any other form would further marginalize the citizens belonging to these classes.

Hence this Bill.

VEER SINGH

## XXII

## BILL NO. LIX OF 2012

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title  
and com-  
mencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2012.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of article  
341.

2. In article 341 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

“(1) The President may, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to the whole of the territory of India”.

Amendment  
of article  
342.

3. In article 342 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

“(1) The President may, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to the whole of the territory of India”.

## STATEMENT OF OBJECTS AND REASONS

The persons belonging to Scheduled Castes or Scheduled Tribes are still under privileged and are a neglected lot. There have been constant efforts to provide concessions and facilities to these persons by successive Governments. But still much is required to be done for improving their condition and for bringing them into the mainstream of the society.

At present, the persons belonging to Scheduled Castes or Scheduled Tribes are facing some practical and genuine difficulties which need immediate solution. In every State, caste certificates are issued by the district authority. These certificates are recognised for the purpose of extending reservation benefits by the State Government concerned throughout the State. The Union Government also recognizes the certificates issued by the State Government for the purpose of jobs or appointments in services under the Union Government. However, if a person belonging to a Scheduled Caste or Scheduled Tribe moves out of the State, he originally belongs, the Caste certificate issued by the parent State is not recognised for the purposes of giving benefits of reservation settles down permanently in another State, when he though the same caste or tribe has been included in the list of Scheduled Castes or Scheduled Tribes in that State.

Due to lack of employment opportunities, people migrate to other States in search of employment and settle down there permanently. However, they become ineligible to enjoy the benefits of reservation in the State they have settled down for the reason that they have been issued certificates by the State from where they have migrated.

It is, therefore, necessary to amend the Constitution with a view to make provision that a member of Scheduled Caste or Scheduled Tribe in one State shall be treated as Scheduled Caste or Scheduled Tribe for the purpose of availing benefits of reservation in whole of India.

Hence this Bill.

VEER SINGH

**XXIII****BILL NO. LIII OF 2012**

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and  
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2012.

(2) It shall come into force with immediate effect.

Insertion of new  
article 335A.

2. After article 335 of the Constitution, the following article shall be inserted, namely:—

Reservation for  
Scheduled  
Castes,  
Scheduled Tribes  
and Other  
Backward  
Classes in  
private sector.

“335A. Parliament may by law provide for reservation of posts and appointments in favour of members of Scheduled Castes, Scheduled Tribes and Other Backward Classes in private sector.”



## STATEMENT OF OBJECTS AND REASONS

In the era of globalization and privatization, the job opportunities in public sector are shrinking. On the other hand, role of private sector in our economy is increasing and new avenues for jobs are opening manifold in private sector. Shrinking job opportunities in public sector are, however, creating hardship to the persons belonging to the Scheduled Castes, Scheduled Tribes and other weaker sections of the society. At present, there is no legislation to provide reservation for weaker sections of the society in private sector. Providing employment to weaker sections through reservations is also a means to improve their socio-economic conditions. Therefore, it is proposed to enable the Government to make provision for reservation in jobs in favour of Scheduled Castes, Scheduled Tribes and Other Backward Classes in private sector to promote the interests of weaker sections of the society.

Hence this Bill.

NARENDRA KUMAR KASHYAP

## XXIV

## BILL NO. LVI OF 2012

A Bill to provide for free and compulsory primary, secondary, higher and technical education to every child in order to eradicate their illiteracy and overall development and for deterrent punishment for those who prevent the children from going to school and pursuing their studies in any manner and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Free and Compulsory Primary, Secondary, Higher and Technical Education Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "child" means any human being who is between the age group of four to twenty-five years;

(c) "higher and technical education" means education beyond senior secondary level and include colleges, universities, academies, seminaries and professional schools in the field of law, theology, medicine, technology, business, music and art;

(d) "parent" in relation to a child include his father and mother, guardian and every person who has the actual custody of the child for the time being;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "primary and secondary education" means education in a school from primary to senior secondary level or class.

3. (1) Notwithstanding any custom, usage or belief of any section of the society, every parent shall compulsorily admit his children in a school, on completion of four years of age in order to enable him to get primary education and shall not restrain him in any manner from attending the school.

Compulsorily admission of children in school and prohibition on their employment.

(2) For the purposes of section 3, no parent or person shall engage a child in any household job or employ a child in a manner which may prevent the children from attending his school and deprive him from primary, secondary, higher and technical education.

(3) Whoever contravenes the provisions of sub-sections (1) and (2) of section 3, shall be guilty of an offence under this Act.

4. (1) The appropriate Government shall provide free and compulsory primary, secondary, higher and technical education to every child who is ordinarily residing within its territorial jurisdiction.

Appropriate Government to provide free and compulsory primary, secondary, higher and technical education to every child.

(2) For the purposes of sub-section (1) of section 5, the appropriate Government shall establish such number of schools within its territorial jurisdiction as it may deem necessary and for the physically challenged child, special schools at such place or places as may deem necessary with such facilities, as may be prescribed.

(3) If any child intends to pursue higher studies beyond the primary and secondary education levels, the appropriate Government shall provide free higher and technical education to such child with such facilities, as may be prescribed.

(4) The appropriate Government shall also provide the following facilities from primary to higher and technical education in schools:—

(i) free books, note books and stationery items;

(ii) free school uniforms;

(iii) free hostel facility and meals;

(iv) free vocational training wherever necessary; and

(v) scholarships in such cases, as may be prescribed.

Central Government to provide necessary funds.

5. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide necessary funds, from time to time, for the purposes of this Act.

Penalty.

6. (1) If any parent of a child, for any reason whatsoever, does not admit, prevents, restrains or in any manner obstructs the child from receiving primary, secondary, higher and technical education, the parent shall be liable to simple imprisonment for a term which may extend to six months and also with a fine which may extend to fifty thousand rupees.

(2) Whoever employs a child resulting in obstructing him from attending the school for primary, secondary, higher and technical education shall be liable to imprisonment for a term which shall not be less than two years but may extend to five years and also with fine which may extend to one lakh rupees.

Offences to be cognizable.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 the offences under this Act shall be cognizable. 2 of 1974.

Act to have overriding effect.

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law applicable to children.

Power to make rules.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

### STATEMENT OF OBJECTS AND REASONS

Article 21A of the Constitution provides that it is the responsibility of the State to provide free and compulsory education to all children of age of six to fourteen years. Although, Government has taken many steps in this regard but they are inadequate. We have not been able to provide education to all children even after sixty-five years of independence.

The ability to read and write is an essential element of human capability. Literacy is the first step towards acquiring tools of learning and opening the doors for knowledge and information. Education expands opportunity for human beings, empowers them to resist oppression and to claim their rights.

Our education system is very expensive and all citizens cannot afford it. Poor parents with meagre incomes are unable to send their children to school for primary, secondary, higher and technical education. Therefore, it is necessary to provide textbooks, scholarships, hostel facilities, etc. to the poor students so that their parents are encouraged to send them to school and to pursue higher studies thereafter. Therefore, it is necessary to provide for free and compulsory education at all levels including primary, secondary, higher and technical education with scholarships to meritorious students.

Hence this Bill.

AVINASH RAI KHANNA

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### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for free and compulsory education to child by opening schools, special schools, etc. Clause 5 provides that Central Government shall provide necessary funds for the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees twenty thousand crore may involve as recurring expenditure per year. A sum of rupees ten thousand crore may also involve as non-recurring expenditure.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the provisions of this Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

**XXV****BILL NO. LIV OF 2012**

A Bill to provide for compulsory military training to all youths in the country and to include military training in the curriculum for children from matriculation to graduation level and for matters connected therewith.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Compulsory Military Training Act, 2012.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(b) "youth" means a person above the age of fourteen years but less than fifty years;

(c) "prescribe" means as prescribed by the rules made under this Act.

3. (1) The Central Government shall provide,—

(a) military training to all youths including women who are physically, fit for a period of not less than one year, irrespective of their caste, colour, religion and creed;

Compulsory military training to youths.

(b) compulsory practical and theoretical knowledge of military training in the curriculum from matriculation to the graduation level.

(2) The Central Government shall establish such number of institutions and take such other necessary steps, as it may deem fit to give effect to the provisions of sub-section (1) (a).

4. (a) It shall be compulsory for every youth to pass the military training at every level;

Award of certificate and expenses of military training.

(b) Every youth who successfully completes training under sub-section (1) (a) of section 3 shall be awarded a certificate to that effect by the Central Government;

(c) The expenses of military training shall be shared by the Central and the State Governments in the ratio as may be prescribed.

5. The appropriate Government shall give preference to youths who have successfully completed their military training in services under defence, para-military forces and such other establishments and organisations, as it may deem fit, for proper utilisation of talent:

Employment to those who have undergone military training.

Provided that all such youths, who, after successful completion of their military training remain unemployed, shall be given unemployment allowances at such rate, as may be determined from time to time, by the appropriate Government till they are gainfully employed.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

### STATEMENT OF OBJECTS AND REASONS

In the past several years, extremists and naxalites activities have increased in almost every part of the country and the cases of murder, loot and dacoity are also increasing day by day leading to feeling of insecurity in public life. Though the Government is making every effort to provide adequate protection to its citizens yet it is not possible without the individual support. Almost all developing countries are providing for compulsory military training for their citizens. But in India, there is not such provision for compulsory military training for their citizens. The military training once imparted would provide quality of discipline and sacrifice in each individual besides the spirit of brotherhood and amity. An integrated and a coordinated programme of military training would be immensely beneficial to utilize the synergies of our youth and would lead to their all-round development and enhancement of the welfare of the nation.

It is also felt that the military training should also be imparted to children who are studying in tenth class upto graduation level so that many students can join military and para-military forces. With this in view, the Bill seeks to provide for compulsory military training to all youths.

Hence this Bill.

AVINASH RAI KHANNA

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### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall provide compulsory military training to all youths for a period of not less than one year and for the purpose shall establish such number of institutions and shall take such other necessary steps, as it may deem fit. Clause 4 provides for sharing of expenditure of military training. Clause 5 provides for employment opportunity to those youths who have undergone military training and provision of unemployment allowance. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees ten thousand crore per annum. A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill gives power to the Central Government to make rules for carrying out the provisions of this Bill. The rules will relate to matters of detail only. The delegation of legislative power is of normal character.



**XXVI****BILL NO. LXVIII OF 2012**

A Bill to provide for all regional languages to be used for all official purposes of the Union and for matters connected therewith or incidental thereto.

WHEREAS in a democracy, the application of laws must be understandable to all its citizens;

AND WHEREAS the Hindi speaking population in India is concentrated in just six States and residents of the remaining States, which constitute the majority have, been discriminated against by not being allowed to conduct official business in their regional language;

AND WHEREAS the languages people speak helps in define who they are and being allowed to communicate in the same language is part of our right to identity which is implicit in the Fundamental rights guaranteed under Part III of the Constitution of India.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) this Act may be called the Official Languages Act, 2012.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification

Short title,  
extent and  
commencement.

in the Official Gazette, appoint and different dates may be appointed for different States and any reference in any provision to the commencement of this Act shall be construed in relation to any State as a reference to the coming into force of that provision in that State.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) "Committee" means the Official languages Committee Constituted under section 6;

(b) "official purpose" means and includes,—

(i) communication between one Ministry or Department or office of the Central Government and another Ministry;

(ii) communication between one Ministry or Department or office of the Central Government and any corporation or company owned or controlled by the Central Government or any office thereof;

(iii) communication between the Central Government or any Ministry or Department or office thereof or any corporation or company owned or controlled by the Central Government or any office thereof and any State Government or any Ministry or Department or office thereof or any corporation or company owned or controlled by the State Government or any office thereof;

(iv) communication between any corporation or company owned or controlled by the Central Government or any office thereof and another;

(v) resolutions, general orders, rules, notifications, administrative or other reports or press releases issued or made by the Central Government or by a Ministry, Department or office thereof or by a corporation or company owned or controlled by the Central Government or by any office of such corporation or company;

(vi) administrative and other reports and official papers laid before the Houses of Parliament;

(vii) contracts and agreements executed, licences, permits, notices and forms for tender issued, by or on behalf of the Central Government or any Ministry, Department or office thereof or by a corporation or company owned or controlled by the Central Government or by any office of such corporation or company; and

(viii) proceedings conducted in High Courts of all States including any judgment, decree or order passed or made by the High Court.

(c) "official status" means the position given to all languages mentioned in the Eighth Schedule to the Constitution which can be used for official purposes;

(d) "prescribed" means prescribed by rules made under this Act.

Official status to languages in the Eighth Schedule.

3. Notwithstanding anything contained in any other legislation for the time being in force, all languages listed in the Eighth Schedule to the Constitution of India, as of the day this Act comes into force, and those to be included by amending the constitution, shall be given official status from such date on which this Act comes into force:

Provided that no language that has been removed from the Eighth Schedule of the Constitution by an amendment made to the constitution shall be given official status.

Languages to be given official status for all official purposes of the Union.

4. All languages that have been given official status shall be used for all official purposes as defined in section 2 of this Act, of the Union:

Provided that for communication between one Ministry or Department or office of the Central Government and another; or communication between one Ministry or Department or office of the Central Government and any corporation or company owned or controlled by

the Central Government or any office thereof; or communication between any corporation or company owned or controlled by the Central Government or any office thereof and another; the official language or languages preferred by both the Ministries or Departments or other office of the Central Government or corporations or companies owned or controlled by the Central Government or any office thereof shall be taken into account and all communication between the Ministries or Departments or other office of the Central Government or any office thereof shall be conducted in all such official languages in such a way that they are all translations of one another:

Provided further that all communication between the Central Government or any corporation or company owned or controlled by the Central Government or any office thereof and any State Government or any corporation or company owned or controlled by the State Government or any office thereof shall be in both English and the official language preferred by the State concerned and the official language preferred by the Centre Government:

Provided further that all resolutions, general orders, rules, notifications, administrative or other reports, press releases issued or made by the Central Government or by a corporation or company owned or controlled by the Central Government or by any office of such corporation or company, administrative and other reports, official papers laid before a House or the House of Parliament, contracts and agreements executed, licences, permits notices and forms for tender issued by or on behalf of the Central Government or by a corporation or company owned or controlled by the Central Government or by any office of such corporation or company, shall be issued in all official languages:

Provided further that proceedings of High Courts including any judgment, decree or order passed or made by a High Court may be in the official language adopted by the State in which the High Court is situated.

5. Notwithstanding anything provided in section 4, an English translation shall be provided at the time for all communications made for official purposes.

English  
translation of  
communications.

6. (1) The Central Government shall by notification in the official Gazette constitute an Official Languages Committee under the provisions of this Act within sixty days of its coming into force.

Establishment  
of Official  
Languages  
Committee.

(2) The Committee shall consist of twenty members, of whom ten shall be members of the House of the people and ten shall be members of the Council of States, to be elected respectively by the members of the House of the People and the members of the Council of States in accordance with the system of proportional representation by means of a single transferable vote.

7. The Committee shall promote the teaching and learning of all official languages in such manner as may be prescribed.

Functions of  
the Committee.

8. (1) The Committee shall annually submit a report to the President making recommendations thereon and the president shall cause the report to be laid before each house of Parliament, and sent to all the State Governments.

Annual Report.

(2) The President may, after consideration of the report referred to in sub-section (1) of section 8, and the views, if any, expressed by the State Government thereon, issue directions in accordance with the whole or any part of the report:

Provided that the directions so issued shall be consistent with the other provisions of this Act.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make  
rules.

(2) Every rule made under this section shall be laid, as soon as may be, after it is made,

before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal of  
Official  
Language Act,  
1963.

10. The Official Languages Act, 1963 with all its amendments is hereby repealed.

19 of 1963.

#### STATEMENT OF OBJECTS AND REASONS

The language we speak helps define who we are and adds to our sense of identity. It is a inalienable right conforming to the principles embodied in the United Nations International Convention on Civil and Political Rights and according to the spirit of Part III of the Constitution of India. It is therefore pertinent to make provisions that promote the linguistic and cultural diversity of India and not to stifle it.

In a democracy, the laws it applies must be understandable to all its citizens. Moreover there can be no discrimination between people belonging to different states are treated. If residents of one State are given the privilege to conduct official business in their mother tongue, the same privilege must be extended to all citizens. In the official dealings with institutions, all citizens must have the right to use their own regional language. While national integration is of paramount importance, we as a union of State must also actively promote the freedom of its peoples to speak and write their own language.

India must be committed to maintaining its multilingual character. It is important for us to realize that the protection and promotion of regional languages represent an important contribution to the building of an India based on the principles of democracy and cultural diversity within the framework of national sovereignty and territorial integrity.

The Bill seeks to achieve the above objectives.

TIRUCHI SIVA

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#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that all official languages may be used for all official purposes of the Union. Clause 5 of the Bill provides that an English translation must be provided at all times for all communications made for official purposes. Clause 6 of the Bill provides for the constitution of an Official languages Committee to promote the teaching and learning of all official languages. Clause 7 of the Bill Prescribes the funtion of the official Languages Committee. The expenditure shall be borne out of the Consolidated Fund of India, however, at this stage, it is difficult to estimate the exact expenditure both recurring and non-recurring.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. Each rule made by the Central Government is required to be laid, before each House of Parliament. The matters in respect of which rules may be made are matters of procedure or administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislation power is, therefore, of a normal character.

**XXVII****BILL NO. LXIV OF 2012**

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

Short title and  
commence-  
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 2012.

(2) It shall come into force with immediate effect.

Amendment  
of article 124.

2. In article 124 of the Constitution for clause (7), the following shall be substituted,  
namely:—

"(7) No person who has held office as a Judge of the Supreme Court shall plead or act or express written opinion or engage in arbitration in any court or before any authority within the territory of India and outside India:

Provided that he may do so upon a request made by the President or the Prime Minister of India or the Governor or the Chief Minister of a State in a matter of national interest."

## STATEMENT OF OBJECTS AND REASONS

Article 124 (7) of the Constitution which deals with the post retirement activity of the Supreme Court judges prohibits practice by Supreme Court judges after their retirement. It has, however, been observed that some of the judges after ceasing to hold the office, engaged themselves in chamber practice in the form of written opinion under signature given for use of in any court, tribunal or authority and in paid arbitration work done while heading a Commission availing the benefits of the perquisites or salary. A former Attorney-General had expressed grave concern over former Chief Justices of India filing affidavits on behalf of private litigants in the US Courts. Instances of such kind impinge on the credibility of the institution of higher Judiciary in India on which lies the greatest responsibility for preservation of the principles of Constitution.

This issue has been assuming significance in recent years in view of the increasing demand for judicial reforms from various quarters from time to time. The proposed amendment in article 124 of the Constitution is, therefore, required to ensure and strengthen the judicial independence and to maintain the credibility of the higher judiciary which are of paramount importance to our democracy.

Hence this Bill.

H.K. DUA

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SHUMSHER K. SHERIFF,  
*Secretary-General.*